HOME OFFICE

REPORT OF THE POISONS BOARD

in regard to the Poisons List and Draft Poisons Rules prepared in accordance with the Pharmacy and Poisons Act, 1933

Presented by the Secretary of State for the Home Department to Parliament by Command of His Majesty
May, 1935

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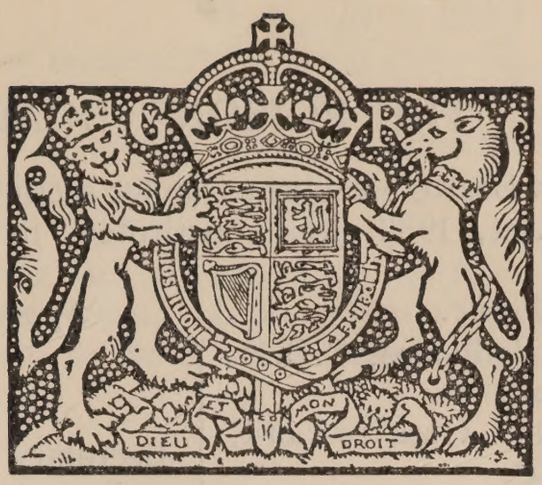

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THE POISONS BOARD

The Poisons Board, established under section 16 of the Pharmacy and Poisons Act, 1933, was constituted, in November, 1933, as follows :—

Name.	*Appointing Authority.*
Sir Gerald Bellhouse, C.B.E. (Chairman).	Secretary of State for the Home Department.
*Sir Walter Greaves-Lord, K.C., M.P.	
Sir William G. Lobjoit, O.B.E., J.P.	
M. H. Whitelegge, Esq.	
J. M. Johnston, Esq., M.D., F.R.C.S.(Ed.).	Secretary of State for Scotland.
J. N. Beckett, Esq.	Minister of Health.
G. F. McCleary, Esq., M.D., D.P.H.	
H. E. Dale, Esq., C.B.	Minister of Agriculture and Fisheries.
†Sir Robert Robertson, K.B.E., D.Sc., LL.D., F.R.S. (or Deputy).	*Ex officio* as Government Chemist.
J. H. Franklin, Esq.	Pharmaceutical Society of Great Britain.
H. N. Linstead, Esq .	
G. A. Mallinson, Esq.	
E. T. Neathercoat, Esq., C.B.E., J.P.	
P. Sparks, Esq.	
Sir William H. Willcox, K.C.I.E., C.B., C.M.G., M.D., F.R.C.P.	Royal College of Physicians of London.
R. Stockman, Esq., M.D., LL.D., F.R.C.P.(Ed.).	Royal College of Physicians of Edinburgh.
S. A. Smith, Esq., M.D., F.R.C.P.(Ed.), D.P.H.	General Medical Council.
G. Roche Lynch, Esq., O.B.E., M.B., F.I.C., D.P.H.	Council of the Institute of Chemistry of Great Britain and Ireland.
J. W. Bone, Esq., M.B., C.M.(Ed.).	British Medical Association.

At its first meeting the Board appointed Mr. M. D. Perrins of the Home Office as Secretary and Mr. K. B. Paice of the Home Office as Assistant Secretary.

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* Sir Walter Greaves-Lord resigned from the Board in February, 1935, upon his appointment as one of His Majesty's Judges.

† The Government Chemist nominated J. R. Nicholls, Esq., B.Sc., F.I.C., to act as his deputy in his absence in accordance with the provisions of the Second Schedule to the Act.

By the provisions of section 17 of the Act the Secretary of State is required to cause the Poisons Board to prepare and submit to him for his approval a list of the substances which are to be treated as poisons for the purposes of the Act. This list is referred to in the Act as the " Poisons List ".

By section 23 of the Act the Secretary of State is empowered to make rules with respect to various matters relating to poisons after consultation with, or on the recommendation of, the Poisons Board.

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THE POISONS BOARD

REPORT.

To the Right Honourable Sir John Gilmour, Bt., D.S.O., M.P.,
His Majesty's Secretary of State for the Home Department.

SIR,

We have the honour to submit the Poisons List (Appendix I), prepared in pursuance of the requirements of section 17 of the Pharmacy and Poisons Act, 1933,* and a draft of the Rules (Appendix II), which we recommend should be made under section 23 of the Act, together with the following explanatory report.

I.—INTRODUCTORY.

1. At our first meeting on 7th December, 1933, it was intimated to us that it was considered desirable, in order to facilitate our preparation of the Poisons List, that we should concurrently formulate recommendations as to the rules to be made under section 23† and as to the other matters to be prescribed by the Secretary of State. The Poisons List and the Rules have, in fact, proved so closely interdependent that any substantial modification of the Rules would involve a reconsideration of the contents and arrangement of the List.

2. An examination of the Report of the Departmental Committee on the Poisons and Pharmacy Acts made it appear that the aim of our work should be the construction of a new code to replace the existing legislation that will cease to apply when the Poisons List and Rules come into operation.‡ The new code should, we concluded, resemble the present restrictions in their main essentials but at the same time be free from the several defects to which the Departmental Committee drew attention.

3. This task involved the consideration of a great number of toxic substances, a thorough examination of the effect of the existing legislation (criticised by the Departmental Committee as " a patchwork of provisions ") and much adjustment and re-adjustment of our proposals as the work proceeded. Our deliberations disclosed a considerable number of chemical, medical, legal and commercial problems of a highly detailed and technical character, often difficult to resolve. For the consideration of such questions we appointed a number of sub-committees which held twenty-four meetings. The full Poisons Board has held eighteen meetings.

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* Referred to throughout this Report as " the Act ".

† In this Report a reference to a section, unless otherwise stated, is to be interpreted as a reference to a section of the Act.

‡ Paragraph 34 of the Report of the Departmental Committee (Cmd. 3512, 1930).

4. As any change in the specification of substances that the Law regards as " Poisons ", and in the restrictions imposed upon them, will affect not only the practice of medicine and pharmacy but also several branches of industry, commerce, agriculture and horticulture, we thought it well, before submitting definite proposals, to consult a number of organizations that appeared to us likely to be affected. We accordingly circulated a first draft of provisional proposals. The wide publicity afforded to the draft by trade journals led to the receipt of observations not only from the selected organizations, but also from several others and from numerous individual firms. Our provisional proposals were also circulated to the Police Forces, from many of whom we received valuable observations. We have carefully considered all the observations received, and have substantially amended our original proposals in respect of several of the matters upon which representations were made to us. A list of the trade and other organizations concerned is appended (Appendix III).

II. THE POISONS LIST.

The Form of the List.

5. In drafting the List we have had in mind the various difficulties of interpretation and anomalies that arise from the wording of the existing Poisons Schedule, and have endeavoured to meet the view of the Departmental Committee, expressed in paragraph 39 of its Report, that a more definite and individual description of each substance is desirable, and that, wherever possible, such terms as " preparations ", " admixtures ", and " derivatives " should be discarded.

6. We have not included preparations and admixtures as such, because we understand that the word " substance " is used in the Act in the sense of a substance capable of identification and that as a matter of law a substance included in the List remains a poison within the meaning of the Act even although it may be contained in a preparation or admixture containing other ingredients. It is assumed, in fact, that a substance in the List only ceases to be a " poison " upon undergoing a chemical change by which its chemical identity is altered. The ambiguity, frequently arising in the existing law, which results from a mixture containing a " poison " being also itself a " poison " is thus avoided. Although the List is, as we think, in conformity with the law in this respect we have thought it advisable by means of a preliminary interpretative clause to make it quite clear that the List is to be understood in the above sense.

7. The increase in the number of items appearing in the List over those specified in the existing Schedule is due to a considerable extent to the fact that we have discarded all phrases having the appearance of begging the question, such as " all poisonous

alkaloids ", " poisonous cyanides " and " poisonous constituents of digitalis ", and have endeavoured to specify each item in such a way as to leave in no doubt the exact limits of the application of the List.

Whilst we have endeavoured to avoid wherever possible the use of generalisations and in particular the use of the word " derivatives ", we have found it impracticable to do so in all cases.

8. We have considered the question whether the List could not be drafted without recourse to technical terms, so as to indicate clearly to the layman whether a particular article (known to him probably by another name) falls within the application of the List, but we have come to the conclusion that to do so would but reproduce the principal defect of the existing Schedule, namely a lack of precision. On the other hand, we have endeavoured to meet the point to the extent of specifying the more common poisonous substances by their common names, especially in the case of the alkaloids. Even so, we recognise that the List as drafted is open to the objection that it leaves the public to seek technical assistance to discover what in some cases it includes. We think that the objection would be largely removed by the publication of an explanatory appendix or memorandum, giving in detail, with their popular names, the articles commonly found in commerce that are included in the List, and we accordingly recommend that such a memorandum should be prepared and issued when the List comes into operation.

9. At an early stage in our deliberations we met with the difficulty caused by the fact that poisons frequently appear in articles which, by reason of their nature or the condition in which they are sold or used, present little or no danger in practice and to which the system of control provided by the Act is entirely inappropriate. There appear to be alternative methods of dealing with such cases. The first would be specifically to exclude them in the definition of each poison in the List. Such a course would make the List unduly reiterative. The second method is to exempt them from the provisions of the Act by means of a rule to be made under section 23. We consider the latter course preferable (Rule 10).

Considerations governing the Inclusion of a Substance in the List.

10. The Act contains no definition of a poison, and, so far as we are aware, there is, for the purposes of control, no satisfactory definition. The popular definition of a poison as " a substance that when introduced into or absorbed by a living organism destroys life by rapid action and when taken in small quantity "* is too narrow for the purpose of the Poisons List, as it excludes numerous compounds the poisonous properties of which cannot be disputed and which have been found in the past to require control. On the other

* Concise Oxford Dictionary.

hand, the more comprehensive and perhaps more accurate definition of " a substance which, when taken into the mouth or stomach or when absorbed into the blood, is capable of seriously affecting health or of destroying life by its action on the tissues with which it immediately, or after absorption comes into contact "* is too wide for the purposes of the Act as it includes such substances as alcohol, common salt and powdered glass. This difficulty presumably accounts for the absence of any definition of a poison in the legislation relating to poisons.

11. As the Act gives no express indication of the reasons to be taken into account in deciding upon the inclusion of a poison in the List, we have given careful consideration to the principles which should guide us in the preparation of the List. The contents and arrangement of Part II of the Act suggest that the mischief aimed at is the unregulated sale of poisons to the public, and had this been the sole consideration we might have felt it unnecessary to include in the List any poison which is not in practice retailed to the public. But on turning to Part III of the Act we find that power is expressly given to regulate by rule not only the distribution of poisons both wholesale and retail but also their storage and transport. We therefore conclude that within the objects of the Act is protection from all dangers arising from poisons, in so far as such dangers can be met by regulation of sale, supply, storage and transport.

The Risks against which the Control is Directed.

12. The dangers for which we consider the control of the Act should be applied for the protection of the public may be classified as follows :—

The danger of death or injury following

(1) the administration of a poison for criminal purposes,

(2) the swallowing of a poison in mistake for an innocuous substance,

(3) the inhalation, through ignorance or by accident, of the vapours given off by a poison,

(4) the incorrect compounding of medicines containing poison,

(5) the accidental taking in too large a dose of a medicine containing a poison.

Suicide.

13. Although the increasing number of suicides from all causes may well be a matter of public concern, the use of poisonous substances as a means of suicide does not appear to us to present a peculiar problem that can be appropriately or effectively dealt with

* Taylor's Principles and Practice of Medical Jurisprudence. Ninth Edition.

by the inclusion of such substances in the Poisons List. We gather that a similar conclusion was reached by the Board of Trade Departmental Committee on Deaths from Gas Poisoning.*

As the substances most commonly used for suicide such as hydrochloric and other acids, phenolic disinfectants, barbiturates, etc., call for inclusion in the List for other reasons, the point becomes of practical importance only in connection with, on the one hand, turpentine and other fluids which do not present any real danger of accidental injury but which are from time to time used as a means of suicide, and, on the other hand, drugs which are not inherently especially toxic but which provide a means of suicide if taken in a sufficiently large quantity. In this latter category is acetylsalicylic acid (aspirin). The mortality statistics show that during the period 1925 to 1933 there were 106 fatalities attributed to the use of this drug. These figures are substantial and apparently increasing. When, however, consideration is given to the enormous quantities of aspirin that are consumed without injury and to the abnormally large quantity that must ordinarily be taken to provide a fatal dose, we have not thought the evidence of danger sufficient to justify the scheduling of this drug as a poison. Nor do we consider that its inclusion could provide any protection for persons who have the deliberate intention to poison themselves by it.

" Industrial " Poisons.

14. The special dangers arising in connection with the storage and transit of poisons and the distribution of poisons otherwise than from retail shops include (1) poisoning as the result of contamination of food in transit or in warehouses, (2) poisoning by fumes from containers bursting or leaking in transit, and (3) poisoning of workers in industrial processes from products the toxic effects of which may not be generally known or appreciated.

The danger arising from contamination of food arises only from such poisons as will leave the food apparently unspoilt. These are included in the List.

The poisons giving rise to the danger of poisoning by fumes include some, such as hydrocyanic acid, that have a distribution outside industry, and others such as, for instance, bromine and liquefied chlorine, the uses of which are for all practical purposes confined to industry but which, if they should escape from a faulty container, for example, on a motor lorry in a crowded thoroughfare, might, as poisons, do considerable damage. As, however, this danger appears to be confined in practice to transport by road, and as rules are, we understand, to be issued under the Petroleum (Consolidation) Act, 1928, for the control of the transport by road of dangerous liquids and liquefiable gases, we do not propose to include any " industrial " poisons in the List solely on the ground of the possibility of danger arising during transit.

* Stationery Office Publication 51-182 of 1930.

15. The protection of workers from poisoning in industrial processes is primarily a function of the Factory and Workshop Act, 1901, but there is one aspect of the problem that appears to be appropriate to the legislation relating to the control of poisons. Various poisonous substances are introduced in industry from time to time and in increasing numbers. Recent accidents, and others during the War, for example in aeroplane factories, have shown the risk of substances having insidious toxic properties, particularly volatile substances, being employed in ignorance of the safeguards required. To minimise such risks it may be desirable that the manufacturers and importers of such substances should be required by rules to be made under the powers given by section 23 to label the container with an adequate warning of the character of the contents and the precautions which should be taken when it is used. For this purpose it would be necessary to include in the List all " industrial " poisons of a character so dangerous as to require such a cautionary notice on the container, and it would perhaps be advisable, as the dangers of these poisons arise in practice only in industry, to exempt them from the application of the remainder of the provisions of the Act and Rules controlling the sale and supply of poisons where the latter are inappropriate. Further investigation, particularly in regard to the uses to which poisons are put in industry, is required, however, before a list of such " industrial " poisons can be drawn up and the appropriate wording for cautionary labels decided upon. These and other aspects of the problem require closer consideration than we have been able to give them, and we therefore propose for the present not to include in the List toxic substances used solely in industry and to leave this aspect of the question for later consideration.

16. Included in these " industrial " poisons are certain halogenated substances some of which, notably carbon tetrachloride, are also retailed to the public. Carbon tetrachloride is used in medicine as an anthelmintic and will cause death if taken in too large a dose or too frequently. But at the same time there is also a considerable sale to the public of carbon tetrachloride as a cleaning agent or fire extinguishing fluid, generally in very small quantities, from garages and several other types of establishment. The use of carbon tetrachloride by the public in these small quantities does not present any considerable danger. The inclusion of carbon tetrachloride in the List without qualification would result in an unnecessarily large variety of vendors having to become entitled to sell poisons. In these circumstances we recommend that this substance should be included in Part I of the List, but that, except in the case of medicines, it should be exempted from the application of the Act and Rules (Second Schedule). This will ensure that the retail sale of medicinal carbon tetrachloride is restricted to authorised sellers of poisons but will avoid requiring all other vendors of the commercial article to be entered on the local authorities' lists to be kept in pursuance of section 21.

17. We are advised by Sir William Willcox that the use of carbon tetrachloride and other similar halogenated substances in industry, particularly in dry-cleaning establishments, is so dangerous as to require that these substances should be supplied for such use only in containers bearing a caution to the effect that they should not be employed except with proper ventilation. We propose, therefore, that they should be considered for inclusion with the above mentioned " industrial " poisons at a later stage.

18. With all the above considerations in mind and with a view to the Act being brought into operation as soon as possible, we have come to the conclusion that the List should for immediate purposes include, and be confined to, those substances having toxic properties which are, or in normal circumstances might be, obtainable by the public and present a real and practical danger, arising from accident, ignorance or criminal design, and capable in some measure of being met by the system of control provided by the Act. We have, however, applied this principle conservatively, as in our view the List should be as short as is consistent with the protection of the public, for otherwise industry and commerce may be placed under unnecessary restrictions. Moreover, the efficacy of the safeguards provided by the control (warning labels, etc.), is liable to diminish in inverse ratio to the number of substances to which control is applied.

Phenol and its Homologues.

19. We assume that it is unnecessary for us in this Report to enter into the technical considerations which govern the inclusion of each substance in the List, but in view of the dissatisfaction with the existing state of the law relating to the sale of disinfectants, referred to in the Report of the Departmental Committee, we think it right to explain in detail our reasons for the manner in which we have dealt with the group of substances in question. This group is at present partly covered by the definition in the existing Schedule of Poisons as " Carbolic acid and liquid preparations of carbolic acid and its homologues containing more than 3 per cent. of those substances, etc., etc.", and by the Order in Council applying section 5 of the Poisons and Pharmacy Act, 1908, to " all liquid preparations sold as Carbolic, Carbolic Acid, Carbolic Substitutes or Carbolic Disinfectant containing not more than 3 per cent. of phenols " (not, be it noted, to liquid preparations sold as Disinfectant, Disinfecting Fluid, Household Disinfectant, etc.).

20. The homologues of carbolic acid (phenol) may be divided into (i) those prepared as practically pure chemical compounds, which, although they may occur in coal tar acids, are not necessarily prepared from coal tar—an example is thymol, which is obtained from various plants—(ii) those derived from coal tar, which are the basis of practically all the coal tar disinfectants. The members of this group, as obtained commercially, are an admixture of a number

of bodies of the phenol type with others of varying types, but the chemical composition of the higher members of the phenol series, which occur in the higher boiling fractions, has not yet been fully elucidated and considerable uncertainty prevails as to their constitution, and, what is more important from the point of view of the restrictions under consideration, as to their toxicity.

We consider that each of the substances falling under (i) above requires to be considered on its individual merits and that those of them which can be accepted as relatively non-poisonous should be specifically exempted from the provisions of the Act by rule. As will be seen later, we propose that carvacrol, thymol and phenols occurring naturally in essential oils should be thus exempted.

As regards the substances falling within (ii), we have come to the conclusion that it is not feasible to split up these phenols into poisonous and non-poisonous groups. We have therefore inserted all the phenols* in the List.

Solid preparations (pure phenol is itself a solid), which are at present uncontrolled, are now included.

21. Another aspect of the problem of phenol is the question whether, as in the past, liquids containing a very low percentage of phenols should be free from restrictions. Remembering the criticism of the Departmental Committee that the existing restrictions encourage the sale of inefficient disinfectants, and having regard to the fact that these liquids are by no means entirely harmless and are at present subject to the control of section 5 of the Poisons and Pharmacy Act, 1908, we recommend that they should not be exempted.

22. We have also considered the coal tar oils, but as these are seldom, if ever, in practice free from phenols, we consider that no provision need be made for them except in the case of coal tar creosote. This substance (which, incidentally, appears to fall within the existing Poisons Schedule although this fact is generally ignored) is, although poisonous, not likely to cause any danger to the public and we propose that it should be exempted. This exemption applies only to coal tar creosote as such and it is not our intention that the exemption should extend to disinfectant or other fluids containing coal tar creosote. The distribution of phenols as between Part I and Part II of the List is dealt with later in this Report.

Exempted Articles.

23. Whilst we recommend that such exemptions from the application of the List as are necessary should be made by rule (Rule 10) and not by way of definition of the poisons in the List, it may be

* We have thought it desirable to avoid the use of the term "homologue", which has in the past led to some uncertainty, and have preferred to give in the List a definition of phenols covering the homologues.

of convenience at this stage to explain the principles which have guided us in the formulation of the list of articles to be exempted (those included in the Second Schedule). In general the articles which we propose for exemption are those which in our view present no practical danger to the public. In this connection there is a point of difficulty to which we should draw attention. Several poisons, principally arsenic and cyanides, are present in traces in many types of matter, and some plants and seeds covered by the Poisons List are common articles in horticulture. It is impracticable to make specific provision for these cases, and we propose that the point should, in the unlikely event of its ever arising in practice, be left to the common sense of all concerned.

General Considerations in regard to the Distribution of Poisons between Part I and Part II of the List.

24. In deciding the distribution of poisons between Part I and Part II of the List we have borne in mind the direction contained in section 17 (3) that " regard shall be had to the desirability of restricting the said Part II to articles which are in common use, or likely to come into common use, for purposes other than the treatment of human ailments, and which it is reasonably necessary to include in the said Part II if the public are to have adequate facilities for obtaining them ", and also the view of the Departmental Committee that " broadly, Part II of the Poisons List will embrace some poisonous preparations used for sanitary, industrial, horticultural or agricultural purposes, or as sheep dips or vermin killers ".

25. We infer from these two indications that it was not intended that the degree of toxicity should be the governing factor in the allocation of substances as between the two Parts of the List. On this principle (except in the case of preparations for the treatment of human ailments), once it is established that a substance is in common use and requires a general distribution, that substance should be placed in Part II of the List, irrespective of its toxicity; any public danger which may be considered to arise from the presence of poisons on the premises of unqualified persons being a matter to be dealt with by rules according to the circumstances of the particular case. We later recommend that rules should be made restricting, in the case of the more dangerous poisons that we have placed in Part II of the List, both the classes of person who may sell them and the manner and form in which they may be sold by persons other than authorised sellers of poisons.

On the other hand we assume that the reference in the statute to " common use " is to be interpreted in the sense of " a necessary and desirable common use ", and that the direction in question does not necessarily involve the inclusion in Part II of the List of a substance of which the common use is not in the public interest, as for example in the case of the domestic use of hydrochloric and oxalic acids to which we shall refer subsequently in this Report.

26. As will be seen later, we propose that the exemption from the provisions of section 18 (1) (*a*) and (*b*) provided by section 20 (5) in favour of sales to a person for the purpose of his trade or business should be modified by rule so that it will not be open to a shopkeeper to make such sales unless either he is an authorised seller of poisons or his name has been entered in a local authority's list for the sale of poisons in Part II of the Poisons List. This has necessitated the inclusion in Part II of the List of those substances required to be bought by a farmer, horticulturist, etc. from his local supplier.

27. The articles which require consideration for inclusion in Part II of the List may be classified as follows :—

Animal and Poultry Medicines.

From the representations which have been made to us it would appear that there is a considerable retail sale of animal medicines containing poison to farmers, cattle and horse breeders, poultry keepers and private owners of horses, dogs, cats and poultry by persons who are not lawfully " keeping open shop ".* Such sales appear to be illegal under the existing law and will, but for any rules dispensing with its provisions, become legal under the Act only in so far as the sale is to a person for the purpose of his trade or business (section 20 (5)). Much of the trade is in the hands of manufacturing firms who deal direct with the animal owner or poultry keeper. As the system of the control to be extended to listed sellers† does not appear appropriate in the case of manufacturers (the Act appears to contemplate that only shopkeepers will require to be listed with the local authority), we recommend that provision should be made by rule whereby animal medicine manufacturers may be permitted to continue the retail sale of their products. We suggest a rule exempting the sale of certain poisons when contained in animal or poultry medicines by animal medicine manufacturers from such requirements of section 18 as restrict the retail sale of poisons to authorised sellers of poisons and persons registered with the local authority, provided that the manufacturers fulfil certain conditions. These conditions will enable the enforcing authorities to know who the manufacturers in question are and where they are and to cause their premises, records, etc., to be inspected should occasion require (Rule 4). We propose that the exemption should be restricted to certain specified poisons which are in common use.

If our recommendations on this point are adopted it will then, in our view, be unnecessary to make any further provision for the distribution of animal and poultry medicines, as the needs of the

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* Section 1 of the Pharmacy Act, 1868.

† Persons entitled to sell poisons in Part II of the Poisons List by virtue of the entry of their names in a local authority's list kept in pursuance of section 21 are referred to in this Report as " listed sellers ".

public will be sufficiently met by distribution through veterinary surgeons and authorised sellers of poisons. We have therefore not included in Part II of the List any poison merely by reason of its use in animal or poultry medicines.

" Household " Poisons.

28. We have in mind under this head poisons such as those to which section 5 of the Poisons and Pharmacy Act, 1908, applies and to meet the public needs we have included in Part II of the List solutions of ammonia, formaldehyde, caustic potash, caustic soda and sulphuric acid.

After careful consideration we have decided not to include in Part II of the List any of the acids to which section 5 of the Poisons and Pharmacy Act, 1908, applies other than sulphuric acid, for the following reasons. As far as we are aware there is no demand by the public for nitric acid. There is no doubt still some domestic use of hydrochloric acid (spirits of salt) and salts of oxalic acid (e.g. salts of lemon) and we have received representations to the effect that considerable quantities of hydrochloric acid are, in fact, sold by grocers and household storekeepers. There are available safer preparations which will serve the same purposes equally well, and, so far as oxalic acid is concerned, we understand that it is no longer in general domestic use. There will be no hardship for the public to be required to go to authorised sellers of poisons for the occasional and small purchases that it will make of these substances. Those requiring these acids for their trade or business can obtain them through the ordinary trade channels by virtue of section 20 (5).

Poisons used in Agriculture and Horticulture.

29. Under this head we have included in Part II of the List several arsenical substances, sodium fluorides, sodium silicofluoride, nicotine, sulphuric acid and various compounds of mercury, the use of all of which for the destruction of various pests is common and should be encouraged. These preparations may appropriately form part of the stock of the retailer who supplies the farmer and the horticulturist with their general requisites, for the latter naturally desire to purchase their insecticides, sheep-dips, etc., at the shop or stores at which they customarily obtain their accessories, and do not wish to be required to obtain them elsewhere. There are other poisons used in agriculture and horticulture, such as cyanides, but the farmer and horticulturist may, we think, without hardship be required to purchase these either direct from the wholesaler, who is entitled to sell poisons to persons for their trade or business, or from an authorised seller of poisons. Their properties are so dangerous that they should not, in our view, be obtainable at any retail shop other than that of an authorised seller of poisons.

Vermin killers.

30. White arsenic, certain salts of antimony and of barium, phosphorus, salts of thallium, cyanides and strychnine are the poisons which are used for the destruction of rats and mice. Although we recognise the importance of effective vermin killers being readily available to the public, we consider it undesirable in the interests of public safety that so large a range of such dangerous substances should have the wide distribution afforded by the Act to the poisons in Part II of the List. We consider that the inclusion in Part II of barium carbonate, the poison most commonly used for the purpose, will sufficiently meet the public needs under this head : red squill,* the safest and most effective vermin killer, is not included in the List.

Disinfectants.

31. The only poisons which are in common use as disinfectants and appear to us to require to be placed in Part II of the List in order that the public may have adequate facilities for obtaining them, are the phenols. Except as regards Lysol and dilutions of Lysol, to which we refer later, we are in general agreement that Part II of the List should include substances containing less than 60 per cent. of phenols. This will permit adequate facilities to the public for obtaining all phenolic disinfectants, other than Lysol and dilutions of Lysol, which are in common use, and also phenolic weed killer, sheep dips and phenolic products used in agriculture and horticulture. It will also remove some of the factors to which the Departmental Committee drew attention (paragraph 41 of its report) which encourage the distribution of ineffective disinfectants, i.e. those containing less than 3 per cent. of carbolic acid or its homologues, which are, under the existing law, alone permitted to be sold by persons other than those lawfully " keeping open shop " for the sale of poisons.

Lysol.

32. We regret that we are divided in opinion as to the treatment to be given to the preparation known as Lysol, and the decision to retain in Part I of the List Lysol and dilutions of Lysol has been taken by the vote of the majority of the Board. Before stating the considerations upon which this decision is based and the view of those members of the Board who are not able to agree with it, it is necessary to give an explanation of the following facts in regard to this product.

The word " Lysol " was registered by a German firm in 1890 as a trade mark describing disinfectants consisting of a soap solution of cresol. In November, 1914, the trade mark was " avoided " by order of the Board of Trade under the Patents, Designs and Trade Marks (Temporary Rules) Acts, 1914 ; and in consequence

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* See also paragraph 59 of this Report.

a great number of products have been put on the market in this country under the name of " Lysol " and other names. They are solutions containing approximately 50 per cent. of cresols in a saponaceous solvent, one of their characteristics being the formation of a clear solution with water. The British Pharmacopoeia, 1932, includes " Lysol " as a synonym for Liquor Cresolis Saponatus, one result of which is that the special standards of the Pharmacopoeia would, we anticipate, be held to apply to Lysol when sold in circumstances which indicated that it was intended for medical use, i.e. that it was a " drug ".

Lysol, the retail sale of which is at present restricted to pharmacists, together with that of all carbolic disinfectants containing more than 3 per cent. of carbolic acid or its homologues, has a considerable use as a surgical antiseptic by medical men, veterinary surgeons and midwives. It is also widely sold to the public for all antiseptic and disinfectant purposes. Its common household use has led to its adoption as a suicide agent to such an extent that the fatalities from Lysol during the period 1925 to 1933 as recorded by the Registrar-General were 2,758 (2,682 " suicide " and 76 " accidental ").

When used for the treatment of wounds, etc., Lysol requires to be diluted to a strength of 1 per cent. or less. It is employed for sanitary disinfection in a solution of 2 per cent or 3 per cent. Of recent years there has developed a considerable sale, chiefly by hawkers and at markets, of articles purporting to be disinfectants consisting of a dilute solution of cresol containing less than 3 per cent. of cresol. These " disinfectants " have been labelled " Lysol " in large letters with the word " Solution " in small letters underneath. The use of the word " Lysol " in this way, the slight odour of cresol, and the fact that the bottle in which these " disinfectants " are sold is identical in appearance with and frequently bears the same directions for use as that employed for genuine Lysol, are calculated to delude the public into thinking the liquid to be in fact a dilution of Lysol or even Lysol and therefore an effective disinfectant.

Prosecutions have been successfuly taken against sellers of these " Lysol solutions " under the Food and Drugs Act for the offence of selling to the prejudice of the purchaser a drug which was " not of the nature, or not of the substance, or not of the quality of the article demanded ", and also under the Merchandise Marks Acts for " selling goods to which a false trade description was applied ".

33. The reasons actuating the majority of the Board in including Lysol and dilutions of Lysol in Part I of the List are as follows :—

(1) Lysol is, next to coal gas, the most commonly used substance for suicide : the average annual number of fatalities over a period of eight years (including those classified as " accidental ") is over 300. In such circumstances, any relaxation

of the restrictions at present imposed becomes difficult to justify. Further, it may be assumed that the greater the number of channels through which it is available to the public, the more the houses in which it will be found and consequently the more readily accessible it will be to potential suicides.

(2) In view of the fact that Lysol is a standard surgical antiseptic, it is important from the point of view of public health that products sold as " Lysol " should be of the standard laid down in the British Pharmacopoeia. Particularly is this so as regards Lysol purchased by midwives. The training and experience of pharmacists is likely to ensure that any Lysol sold from the premises of authorised sellers of poisons will be of the required standard whereas unqualified vendors may not be so much alive to the importance of the maintenance of the standard of the product. In any event, the wide distribution which would result if it were open to any trader to sell Lysol would make the task of the authorities in maintaining a standard more difficult. The machinery of the Food and Drugs Act is available to ensure that the standards of the British Pharmacopoeia are maintained if the distribution of Lysol takes place at the hands of the pharmacist.

(3) The trade in bogus " Lysol solutions " should be prevented both in the interests of public health and of public safety for not only do these solutions tend to create a false feeling of security but persons may do themselves damage when for some reason they come to use Lysol of the standard strength after being accustomed to handle a solution of one-sixteenth of the strength probably bearing identical directions for dilution and use.

(4) In practice there is no misunderstanding of the meaning of the term " Lysol " among those dealing with this substance.

(5) Lysol is a substance used for the treatment of human ailments, and as such its inclusion in Part I is indicated by the wording of section 17 (3). There is no evidence that the public require more facilities to purchase it than are available to-day, and the inclusion in Part II of the List of every other disinfectant with a phenol content up to 60 per cent. ensures an ample supply of efficient disinfectants.

34. On the other hand, the minority of the Board point out that the suicide figures in question relate only to disinfectants labelled " Lysol ", whereas the decision of the majority has been to include in Part I of the List all articles of the Lysol type, many of them innocent in this respect. They doubt whether the control of the Act can be used effectively to combat suicide and consider that, in any event, the mere restriction of sale to authorised sellers of poisons would be insufficient, without additional restriction, to diminish the use of Lysol for suicide. They point out that the

high figure of 361 suicides from Lysol in 1927 has been reached whilst its sale has been restricted to pharmacies. The use of Lysol as a suicide agent in preference to other cresylic disinfectants, prepared either with or without soap, is due, they consider, solely to the fact that it is the disinfectant most commonly used by the public, and that the term " Lysol " has been given particular prominence in Press reports of suicides by such means. They believe the choice of means employed in suicide to be largely a matter of imitation, and that the course best calculated to reduce the number of suicides from Lysol would be to ensure that publicity were no longer given to its use in cases of suicide or alternatively that the name " Lysol " should no longer be permitted to be employed. Probably in neither case, however, would the total number of suicides from all causes grow less.

Apart from the incongruity of the appearance in the List of a substance not designated, as is every other substance in the List, by a scientific term, the minority feel that the inclusion of Lysol in Part I and the inclusion in Part II of all other phenolic or cresylic disinfectants, many of them equally toxic, and equally capable of use as a means of suicide, and in fact so used, create an anomaly which it is impossible to justify. Should the restriction of the sale of Lysol to authorised sellers result, as the majority of the Board believe, in its being less available to potential suicides than it would be if placed in Part II of the List, then, the minority argues, it will be equally less available to the public for legitimate purposes. They are unable to agree that the current preference of suicides for Lysol is a sufficient reason for discouraging the legitimate domestic use of this admittedly effective disinfectant.

The minority consider that it is not within the functions of this legislation to ensure that a proper standard of strength or purity of a substance is maintained and that, as they understand that proceedings can be taken under both the Food and Drugs Act and the Merchandise Marks Acts against persons who sell as " Lysol " any article which does not conform to the standards laid down for Lysol in the British Pharmacopoeia, it is for the authorities responsible for the enforcement of those Acts to take such action as is necessary to protect the public from imposition. They are also of opinion that the restriction of the sale of dilutions of Lysol to authorised sellers of poisons will not prevent the sale of weak disinfectants such as " Lysol solutions ". The most that can be done in this direction under this legislation is, they think, to remove the bar which has hitherto prevented shopkeepers other than authorised sellers of poisons from stocking effective disinfectants. They consider that the inclusion of Lysol in Part I of the List will merely serve to perpetuate, in so far as Lysol is concerned, the disadvantage of the existing restrictions to which the Society of Medical Officers of Health drew the attention of the Departmental Committee, viz. that " the average purchaser for domestic and kindred purposes,

instead of going to a chemist and getting from him a really effective article which, because it is a poison, he cannot get elsewhere, inclines to buy from a grocer or general dealer an inferior article, bearing, perhaps, the same or similar name, not a ' poison ', but one which, as a disinfectant, is inefficient in fact.''.

III. THE POISONS RULES.

General Considerations.

35. Section 23 gives a general power not only to regulate by rule the sale, whether wholesale or retail, and the supply of poisons but also to dispense with or relax any of the provisions of Part II of the Act relating to the sale of poisons. As appears to have been foreseen by the Departmental Committee, we have found it essential that the power to dispense with and relax the provisions of the Act should be exercised in several cases in order that the machinery of the Act may work effectively. Section 23 also provides *inter alia* for the regulation of the storage and transport of poisons, the containers in which poisons may be sold or supplied, the manufacture of pharmaceutical preparations containing poisons and for prohibiting the retail sale of poisons except upon a prescription given by a qualified medical, dental or veterinary practitioner. These are all matters which have hitherto been uncontrolled. In addition we have had to consider the rules necessary to prescribe the requirements left by the Act to be prescribed by rule. In drafting the Rules our aim has been that they shall, together with the provisions of Part II of the Act, form a code that, whilst reproducing the main essentials of the existing restrictions wherever the latter are consistent with the objects and scheme of the Act, will strengthen and clarify them.

The existing restrictions in question are to be found in the following statutory provisions and regulations :—

The Arsenic Act, 1851.

Section 17 of the Pharmacy Act, 1868, and the Regulations made under section 1 of that Act.

Section 5 of the Pharmacy Act, 1869.

Sections 1, 2 and 5 of the Poisons and Pharmacy Act, 1908, and the Regulations made under sections 2 and 5 of that Act.

Section 3 and subsection (2) of section 4 and section 5 (in so far as it relates to the Schedule of Poisons as distinct from " Dangerous Drugs ") of the Dangerous Drugs and Poisons (Amendment) Act, 1923, and the requirements of the Order in Council made under subsection (2) of section 4 of that Act.

Our recommendations are based upon the assumption that the object of the Statute is, so far as is possible, to provide safeguards against accidents arising from mistake or inadvertence, to

prevent the criminal use of poisons and to facilitate the detection of the criminal in any case of murder by poison.

Safeguards against Accident.

36. The principal safeguard against the accidental taking of a poison that can be provided by legislative regulation is a control designed to ensure that persons handling poisons are made aware that they are doing so, either by means of a cautionary label or by markings on, or by the shape of, the container. In this connection we would stress the fact that little can be done by way of regulation to prevent the accidents which occur from time to time through the negligence or folly of individuals. The point of greatest danger to the public from poisons is in the homes of the public, and here the only protection from the risk of accident must be the exercise of intelligence by the individual citizen. Many fatalities would, we are convinced, be avoided if greater precautions were taken by the public in the keeping of poisons, particularly if it became the accepted practice in every home for articles labelled " Poison " or " Caution " to be kept together in one place, preferably under lock and key, away from other articles and out of the reach of children. A liquid poison should never be kept, as it so frequently is, in an ordinary bottle but only in the bottle in which it has been bought.

37. The requirements of section 18 in regard to labelling do not apply to the various types of sale specified in section 20, since they are (for reasons which we examine later in this Report) by that section exempted, subject to rules, from all the safeguards provided by the Act. We consider, however, that poisons should in all circumstances be labelled with an appropriate warning, irrespective of the class of seller (manufacturer, wholesaler, etc.) or of the type of purchaser (private individual or trader). Alarming accidents have resulted from arsenic, for example, not being labelled as such in the wholesale trade. Moreover, in the case of proprietary articles, retailers must in practice to a large extent rely upon the wholesaler or manufacturer to warn them of the poisonous contents of the article they sell and the name of the poison in question. We propose, therefore, by the application of the provisions of section 18 (1) (*c*) to the sales specified in section 20, other than exports, to apply the labelling provisions of the Act at every stage of distribution from the manufacturer downwards (Rule 5). Poisons for export should be exempted as they do not constitute a danger to the public in this country, except in regard to their storage and transport, a point with which we deal separately, and they must, in practice, be labelled to comply with the requirements of the importing country. As section 18 does not apply to the supply, as distinct from the sale, of poisons, we propose that the provisions of section 18 (1) (*c*) should be

extended to cover supply so as to ensure that poisons supplied gratuitously, as for instance by way of sample, shall bear the appropriate warning labels.

38. In addition to the requirements of section 18 in regard to labelling we recommend that all liquids for external application should be labelled with the name of the article, such as " liniment ", " lotion ", etc., and with a caution that they are not to be taken internally. We also propose that all liquid poisons other than medicines,* sold or supplied in bottles containing 120 fluid ounces or less, should be labelled with the words " Not to be taken.". (Rule 18 (1) (*a*) and (*b*)).

39. The only further safeguard against mistake that appears to us to be necessary is a requirement that bottles of the size of a Winchester quart or less should be fluted vertically when containing a liquid poison other than one to be taken internally. (Rule 20 (1) (*b*)). The existing regulations which prescribe a bottle " distinguishable by touch " have led to so great a variety of types of " poison bottle " that much of the value of the safeguard has become lost. We hope that the effect of this rule will be to establish a standard type of " poison bottle " and that the public will come to associate its peculiarity with poison.

Safeguards against Overdose.

40. We find it to be impracticable to adopt any specific safeguard against the inadvertent taking of an overdose of poison in a medicine beyond that which can be secured by the restriction of the retail sale of medicine containing a poison to authorised sellers of poison, medical practitioners, dentists and veterinary surgeons. This is already effected, as regards the poisons in Part I of the List, by the Act itself. By a later proposal, the poisons in Part II of the List likely to be used in medicines will not be permitted to be sold by persons other than authorised sellers of poisons except for agricultural, horticultural or similar purposes. (Rule 12 (2)).

Several members of the Board have observed with some concern that, having regard to section 19, in practice no medicine need be labelled with the word " Poison " or other cautionary words, since they feel that there are certain drugs, notably those of the barbituric acid group and others generally sold in tablet form, frequently in bottles of fifty or a hundred, the dangers of which should be brought to the notice not only of the patient, lest he should be tempted to take the drug in a greater dose or at more frequent intervals than those prescribed, but also of anyone else who may take it believing the medicine to be innocuous. The medical and pharmaceutical members of the Board on the other hand point to the established

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* For the meaning to be attached to this term see paragraph 71.

custom whereby the information given on the container of a medicine does not disclose the name or character of its ingredients, and represent that any change in this respect would be strongly opposed by the medical profession, which finds that it is not always beneficial to treatment that the patient should learn the nature of the drugs prescribed. In these circumstances we feel that the responsibility must be left to the medical practitioner, dentist, veterinary surgeon or pharmacist, as the case may be, either to see that potent drugs are not supplied in dangerous quantities, or, if they are so supplied, to give a warning by directions on the label or otherwise that will be adequate to prevent the inadvertent misuse of the medicine.

Not only in the matter of the labelling of medicines but also in other connections have we had in mind that the members of the four professions concerned may be expected to observe the necessary precautions. We rely particularly on the fact that pharmacists are now, as are the members of the other professions, subject to professional discipline and that the Statutory Committee, established by Part I of the Act, is also empowered, in appropriate circumstances, to disqualify a corporate body from being an authorised seller of poisons. These circumstances, in our view, permit a greater latitude than might otherwise be justifiable in the application of control to authorised sellers of poisons.

Safeguards against Medicines containing Excessive Quantities of Poison.

41. The public interest manifestly requires that the compounding of medicines containing poisons to be taken internally shall be in the hands of properly qualified persons. In so far as medicines compounded in pharmacies are concerned, the compounding of such as contain poisons is restricted to registered pharmacists by section 19 (4). There remains the compounding of medicines obtained already compounded by the pharmacist from the wholesaler or manufacturer. To meet the latter type of compounding we propose Rule 27, to which we shall refer later in this Report.

The Substances in the First Schedule.

42. The existing law divides the substances to which it applies into two categories, those that require stringent control and those for which labelling and similar requirements provide sufficient safeguards. We propose to adopt the same system and accordingly recommend that there should be appended to the Rules a schedule (referred to in this Report as the " First Schedule "*) of substances which by reason of their insidious character, the small amount of the fatal dose, or the ease with which, whether by accident or by design, they can be mixed with food or drink, are

* The substances which approximate to those in Part I of the existing Poisons Schedule.

peculiarly dangerous. To these substances will be applied the more stringent restrictions designed to prevent poisons reaching irresponsible persons, or their use for criminal purposes, and to facilitate the tracing of a supply of poison in the event of a suspected crime. We have excluded from the First Schedule, either by means of the definition in the schedule of the substance itself or by Rule 9, substances containing a poison in so small a proportion or so mixed with other ingredients that they do not require the more stringent degree of control.

Restrictions applying to the First Schedule.

43. The restrictions appropriate to the substances included in the First Schedule are those provided by section 18 (2), i.e., those that require that the purchaser shall be known to the seller to be a person to whom a poison may properly be sold, or shall produce a certificate to that effect, and that an entry of the sale shall be made in the " poisons book " and signed by the purchaser. Section 18 (2), however, whilst applying to all poisons in Part I of the List irrespective of the degree of their danger, does not apply to the poisons in Part II of the List, some of which are notoriously liable to be employed by the poisoner. We accordingly recommend that the requirements of section 18 (2) should be both relaxed and extended in application—relaxed, so as not to apply to the substances that are not included in the First Schedule, and extended, so as to cover substances in the First Schedule where they are or contain poisons in Part II of the List. (Rule 6).

Extension of Section 18 (2) *to Sales specified in Section* 20.

44. In the absence of any rule on the point, section 20 operates to relieve the transactions specified in that section from the requirements of section 18 relating to knowledge of the purchaser by the seller and to records of sale. We consider that it is not in the interests of public safety that any person, whether a wholesaler or retailer, should be permitted to sell poisons included in the First Schedule to persons not known to him to be persons to whom poisons may properly be sold. The fact that the purchaser purports to require a poison to sell again or for the purpose of his trade or business is not sufficient to justify the sale of that poison to him with " no questions asked ". Nor in such a case is it right that the seller of the poison should keep no record of the particulars of the supply, for otherwise persons seeking poisons for criminal purposes will find it a simple matter to obtain their poison from a " wholesaler ", and the discovery of the criminal will be made exceedingly difficult, if not impossible. It will be recalled that there have been instances in which poison used for murder has been traced to a supply made direct to the murderer by the manufacturer or wholesaler, e.g. that referred to in paragraph 52 of the Report of the Departmental Committee. On the other hand, it appears to us unnecessary that special records should be kept of transactions

within the circle of the " trade ", the members of which are either well known to one another or are in a position readily to establish each other's *bona fides*. It is proposed (Rule 7 (1)) that, in the case only of the substances included in the First Schedule, the sales specified in section 20, other than sales for export, should be brought within the requirements of section 18 (2). A manufacturer and a wholesale dealer need not record in the " poisons book " the particulars of a sale to another person in the " trade ".

45. The extension, proposed in the last two paragraphs, of the provisions of section 18 (2) to sales permitted by the Act to be undertaken by persons other than authorised sellers of poisons, makes it necessary to provide for the case of firms that may employ no registered pharmacist to whom the purchaser can be known to be a person to whom a poison may properly be sold. It is proposed that section 18 (2) (*a*) should be relaxed to the extent of permitting its provisions to be satisfied in such a case if the person to whom a poison is sold is known by the person in charge of the premises on which the poison is sold, or of the department of the business in which the sale is effected, to be a person to whom the poison may properly be sold. (Proviso to Rule 6 and Rule 7 (2)).

Signed Orders.

46. Amongst the matters left by the Act to be dealt with by rule is the extent to which a signed order may be used as an alternative to signature of the " poisons book ". Section 3 of the Dangerous Drugs and Poisons (Amendment) Act, 1923, which is repealed by the Act, relieves medical practitioners, on certain conditions that include the provision of a signed order, from the obligation imposed by section 17 of the Pharmacy Act, 1868, to sign the " poisons book " on the purchase of a poison in Part I of the existing Poisons Schedule. It is manifestly impracticable to require (although this is what section 17 of the Pharmacy Act, 1868, does in fact) that a person purchasing a poison direct from a wholesaler, whose premises are probably at a considerable distance from the residence of the purchaser, should sign the " poisons book ", but to permit such sales to be made without any safeguard whatever would lead to abuse. In this connection we may say that we are informed that should nothing be done under the Act to require at least a signed order in the case of supplies of drugs to which the Dangerous Drugs Acts apply, the authorities responsible for the administration of those Acts would feel it necessary to replace the provisions of section 3 of the Dangerous Drugs and Poisons (Amendment) Act, 1923, in so far as " Dangerous Drugs " are concerned, by regulations to be made under the Dangerous Drugs Acts.

As previously explained, our proposal that the requirements of section 18 (2) shall be extended to cover sales by wholesalers does not apply to sales to persons inside the " trade ". We have only,

therefore, to consider sales to persons outside the " trade ", such as doctors, dentists, veterinary surgeons, farmers, horticulturists, etc., who are accustomed to purchase poisons from wholesalers and manufacturers at a distance, for the purpose of their profession, trade or business. We are of the opinion that not only medical practitioners but all other persons who purchase poisons for the purpose of their profession, trade or business, may safely be permitted to obtain the poisons they require from either a wholesaler or retailer without signature of the " poisons book ", if they sign an order for the poison, and we accordingly recommend that the provisions of section 3 of the Dangerous Drugs and Poisons (Amendment) Act, 1923, should be substantially re-enacted in the Poisons Rules and extended to cover all sales of poisons to persons for the purpose of their profession, trade or business. (Rule 7 (3)). In suggesting this relaxation we have in mind the safeguard provided by our previous recommendation that in sales to these persons the purchaser shall be required to be known to the seller to be a person to whom a poison may properly be sold.

47. The strong protest against the provisions of section 3 of the Dangerous Drugs and Poisons (Amendment) Act, 1923, to which the Departmental Committee referred in paragraph 54 of their Report as a point for the rule-making authority to consider, was repeated to us by the British Medical Association. Dr. Bone strongly supports the representations of the Association. Although he has no objection to a medical practitioner being required to sign an order for the drugs to which the Dangerous Drugs Acts apply and, in fact, is inclined to consider such a restriction necessary to prevent abuse of those drugs, he takes the view that it is entirely unnecessary to require the signature of a medical practitioner in the case of other poisons. He is unable to accept the view that there is in this matter any distinction in principle between a sale to an authorised seller of poisons and a sale to a dispensing doctor. He considers that, as both are conversant with the dangerous properties of poisons, both should be equally free to purchase poisons without a signature. He also represents that it is harassing to a busy dispensing doctor, who may normally leave the maintenance of his stock of drugs to a dispenser or member of his family, to be required himself to sign orders for drugs.

The representatives of the Pharmaceutical Society, whilst generally in sympathy with the point of view expressed by Dr. Bone, are unable to recommend that doctors should be exempted from the requirement to sign orders for substances included in the First Schedule, if such a relaxation would result in a requirement being applied in regard to " Dangerous Drugs " by a regulation to be made under the Dangerous Drugs Acts, the breach of which would involve the heavy penalties of those Acts.

Other members of the Board point out that from the point of view of control there is a considerable difference between a doctor

and an authorised seller of poisons. In the first place, the authorised seller of poisons operates on fixed premises registered under the Act and open to inspection, and in the second place he is under various restrictions in regard to his supplies of poisons that do not apply to the doctor. Further, the need for a signature does not arise in the case of supplies by wholesalers to retailers, for the point at which it is necessary to establish evidence of supply and to concentrate control is, as explained above, that point at which the poison leaves the circle of the " trade ". It is also felt that as the requirement applies solely to the substances included in the First Schedule there is not sufficient evidence of hardship to justify discarding a requirement which was specifically imposed by Parliament as recently as 1923, by way of a relaxation of a former restriction and, indeed, without objection being made by, and with the apparent concurrence of, the medical interests.

The " Bulk Trade ".

48. As the Association of British Chemical Manufacturers has represented to us that such of our provisional proposals as applied restriction to the " bulk trade " went further than is necessary in the interests of public safety, and as we have been unable to accept this view, we think it desirable to deal more fully with the effect of our proposals in this regard and to compare them with the existing restrictions.

In using the term the " bulk trade " the Association has, no doubt, in mind the trade of its own members, that is to say that of large concerns manufacturing or dealing in poisons in considerable quantities. But it is to be appreciated that " sales by way of wholesale dealing " and the other sales specified in section 20 of the Act include, at the one end of the scale, the sale of a ton or more of poison from a chemical works, and, at the other, the supply of a few ounces of insecticide to a professional gardener or even a few grains of a poison to a doctor, dentist or veterinary surgeon, etc. Again, the sales may be undertaken by concerns varying considerably in the type of business in which they are engaged. Such a concern may be a firm employing thousands of workpeople or merely a " one-man " business engaged in re-bottling, or simply re-labelling, such things as disinfectants manufactured by someone else.

Section 1 of the Pharmacy Act, 1868, prohibited the sale of a " poison " except by persons registered under that Act. Section 16 of the same Act exempted from this prohibition " the business of wholesale dealers in supplying poisons in the ordinary course of wholesale dealing ". This exemption appears to have been given the widest possible interpretation in practice, and wholesalers and others not lawfully " keeping open shop " for the sale of poisons have been accustomed to supply poisons by retail, i.e.,

otherwise than for resale, direct to persons such as farmers, gardeners, rat-catchers, etc., or even private individuals not requiring them for trade or professional purposes. (See paragraph 51 of the Departmental Commitee's Report.). On the footing of the definition of " wholesale dealing " as " sale to a person who buys to sell again " (the definition given by section 29), this practice would be illegal, and it is to be presumed that the primary purpose of the exemption given by section 20 from " the foregoing provisions of this Part of this Act " is to legalise it, except in regard to sales to private individuals.

It has been suggested that the intention of section 20 was that all the transactions specified therein should be made free of all, or nearly all, restriction. We cannot accept this view. We consider that it is to be clearly inferred from the terms of the Departmental Committee's Report, and in particular from paragraphs 50, 51 and 52 of that Report, that it was intended that whilst the sales specified in section 20 were to be permitted to be undertaken by wholesalers and manufacturers without the necessity of their becoming authorised or listed sellers as the case might be, such sales were to be subject to appropriate restrictions, to be imposed by rule, in regard to labelling, records, etc. It is stated, for instance, in paragraph 50 of the Departmental Committee's Report that " these exemptions are not absolute, but are subject to control by statutory rule, with intention, so that, for instance, the provisions of clause 14 (1) (*d*)* of the Draft Bill may be applied and, in the case of sale ' wholesale ' etc., etc., the containers of poisons be labelled with the word ' poison ' or other prescribed indication of the character of the article, and, in the case of a preparation containing poisons, with the proportion of the poison to the total ingredients." Again, in paragraph 52 of its Report, the Departmental Committee point to the desirability of records of " retail " sales when made by a wholesale dealer.

Section 17 of the Pharmacy Act, 1868, makes it unlawful to sell any poison " either by wholesale or retail " unless it is labelled in a manner substantially the same as that required by section 18 (1) (*c*) of the Act of 1933, except that in the case of articles to be exported from Great Britain by wholesale dealers, and sales by wholesale to retail dealers in the ordinary course of wholesale dealing, the name and address of the seller need not be given. Our proposal that the labelling provisions contained in section 18 (1) (*c*) shall be extended to apply to the sales specified in section 20 (see paragraph 37 above) will substantially reproduce the requirements of section 17 of the Pharmacy Act, 1868, except that in the case of poisons other than " pre-packed " articles, i.e. those sold in containers in which they are intended to be resold, the wholesaler must put his name and address on the label.

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* From the subsequent reference to the labelling provisions this is evidently a misprint for clause 14 (2), which clause is now reproduced in section 18 (2) of the Pharmacy and Poisons Act, 1933.

Except in the case of exports, and sales by wholesale to retail dealers, section 17 of the Pharmacy Act, 1868, also makes it unlawful to sell " either by wholesale or retail " poisons in the First Part of the Schedule, which approximately correspond to the substances in the First Schedule to our draft rules, unless various requirements, almost identical with those of section 18 (2), are complied with. Our proposal (see paragraph 44 and Rule 7 (1)) is that these requirements of section 17 of the Pharmacy Act, 1868, should be reproduced except that none of them shall apply to sales by manufacturers and wholesalers to persons within the " trade " whether they are retail dealers or not.

Relaxation of Section 19.

49. In view of the relaxation which we propose should be made to free the sale of substances not included in the First Schedule from the restrictions of section 18 (2), that is to say, from the requirement that the purchaser must be known to the seller, etc., and an entry of the sale must be made in the " poisons book ", it would be anomalous if an authorised seller of poisons were to be required, as he is by section 19 (3), to enter in a " prescription book " the particulars of a sale of a substance not included in the First Schedule merely because it is sold on a medical prescription. To remove this anomaly, also arising in the case of a supply by a medical practitioner, we propose (Rule 8 (1)) that the provisions of section 19 (3) should be relaxed to permit the supply of such substances without an entry in the " prescription book ", when made by medical practitioners for the purpose of medical treatment and by authorised sellers of poisons on a medical prescription. We do not recommend that this relaxation should extend to the other types of supply to which section 19 applies, namely, the supply of medicines by dentists or veterinary surgeons, or by authorised sellers otherwise than upon a medical prescription. Authorised sellers of poisons have the option of supplying medicines in accordance with the provisions of either section 19 or section 18. In the case of the poisons not in the First Schedule, the provisions of the latter section are less onerous, being limited in fact to the requirements of section 18 (1) (*c*). There is no objection to such articles being labelled with the word " Poison " or other prescribed indication of character and we consider it very desirable that medicines so supplied should be labelled with the required caution.

Health Services of Local Authorities.

50. We are informed that the arrangements made by some local authorities for providing medical treatment include the issue of prescriptions on special forms, which are dispensed by medical practitioners or by pharmacists in general business, the local authority paying the cost on an agreed basis on receipt of the original prescriptions or carbon copies thereof. It has been represented to us

that it will place an intolerable burden upon the dispenser if the particulars of each of these prescriptions is required to be entered up in the " prescription book ", and that in fact the existing requirements of section 17 of the Pharmacy Act, 1868, are generally ignored in regard to these " health service " prescriptions. Whilst we would not wish to see these schemes hampered, we are not prepared to recommend that the total exemption given by section 19 (4) to National Health Insurance prescriptions should be extended to cover the prescriptions issued under a local authority's health service, since there are no means, as in the case of National Health Insurance prescriptions, whereby it can be ensured that the prescriptions will be retained by the authorities concerned and be available for inspection. Moreover, it seems to us important to avoid as far as possible any multiplication of cases in which no record of the issue of a poison is available for inspection in the shop itself, which must seriously hamper the work of the police in undertaking any necessary investigations. In our opinion, the case will be sufficiently met by exemption from the requirement that the particulars should be entered up in the " prescription book " provided that the prescription, or a true copy thereof, bearing on it the essential particulars, is retained on the premises on which it is dispensed. (Rule 8 (2)). Many of these health services have already adopted a system of duplicate prescriptions, and the proposed exemption will no doubt encourage such a system, which is, we are informed, of practical convenience to the dispenser. The removal of the necessity for records of medicines not coming within the First Schedule will in any event greatly reduce the number of prescriptions to be copied.

Sales specified in Section 20 made from Retail Shops.

51. Unless the point is dealt with by rule, section 20 operates to permit retail shopkeepers to supply any poisons, however dangerous, to persons for the purpose of their trade or business without the obligation of becoming authorised or listed sellers, and the purpose of the Act is thus defeated in so far as it aims at the restriction of the sale of poisons from retail shops to premises that are registered and therefore open to inspection and supervision. For example, as the Act stands, any shopkeeper can stock and sell to farmers, horticulturists, etc., for the purposes of their trade the most potent poisons, but anyone who may wish to sell the same poisons also to persons who are engaged in agriculture or horticulture, but not by way of trade, is required to become an authorised seller of poisons if the poison is in Part I of the List or to be listed with the local authority if it is in Part II of the List.

This position is obviously unsatisfactory, and we propose that it should be rectified by a rule making it unlawful for any shopkeeper to sell poisons unless he is an authorised or listed seller as the case may be. (Rule 3).

Restrictions upon the Sale of Drugs in the Third Schedule.

52. A matter to which we have given close consideration is the extent to which the powers given by section 23 (1) (*b*) (ii) of the Act to prohibit the sale by retail of poisons, except on a medical, dental or veterinary prescription, should be exercised. In explanation of its recommendation that such powers should be taken, the Departmental Committee stated that " there is a class of poisons of so dangerous a character that it is thought undesirable for private persons to prescribe their use for themselves ". But we would not propose that the restriction to medical prescription should be imposed in regard to all poisons that are dangerous if taken otherwise than under medical supervision and consider that it will be sufficient to apply it only to those drugs which experience has shown are liable to be self-prescribed with fatal results, namely, those in the Third Schedule to the attached draft Rules. Nor do we consider that the circumstances call for the full restrictions of the Dangerous Drugs Regulations, including the requirement that a prescription shall not be dispensed more than three times. It frequently happens that these drugs are genuinely required over long periods of time, e.g. phenobarbitone in cases of epilepsy, and it would create an unnecessary hardship for the patient to be compelled to incur frequent medical fees merely in order to renew the prescription. On the other hand, to place no limit upon the number of times a prescription may be dispensed would be to frustrate the whole purpose of the restrictions, at least in so far as the danger of cumulative poisoning is concerned, as the holder of a prescription could, in that event, at any time and throughout his life, take the drug irrespective of the medical requirements of his condition and without medical supervision. For example, most of the recorded fatalities from the barbiturates appear to have been caused from drugs obtained in this way. The question whether and for how long a patient should be permitted to obtain supplies upon the prescription should, we consider, be left to the doctor in charge of the case to decide, and we recommend that the prescription should not be permitted to be dispensed more than once unless the prescriber specifically authorises it and then only for such number of times and at such periods as may be directed on the prescription. (Rule 11). A requirement consequential upon this proposal is that the patient should not be permitted to retain the prescription after the occasion upon which it ceases to become available for further supplies and that the prescription should, whenever dispensed, be marked with the name and address of the seller and the date upon which it is dispensed. As some of the drugs in question possess qualities which make it probable that there will be attempts at evasion of the rules in regard to them, we recommend that the name and address of the seller and the date of dispensing should be required to be placed above the signature of the prescriber in order to prevent these particulars being cut off the prescription.

Restrictions applying to Sales by Listed Sellers of Poisons.

53. As explained earlier in this Report, our decision in regard to the distribution of poisons as between Part I and Part II of the Poisons List rests upon the assumption that the danger arising from the presence of poisons on the premises of " unqualified " traders will be met by appropriate rules.

In the first place we consider that in no circumstances should " unqualified " traders be permitted to " break bulk ". The premises of such traders are often unsuitable for the storage of loose poisons and the absence of any person in the shop having a knowledge of poisons and their characteristics makes it essential, in our opinion, that a listed seller should be prohibited from selling a poison otherwise than in closed containers as closed by the wholesaler or manufacturer from whom he has received it. (Rule 12 (3)). Such a requirement was, we observe, foreshadowed by the Government spokesmen in their respective introductory speeches upon the two occasions when the Pharmacy and Poisons Bill was before the House of Lords.*

54. The mere inclusion in Part II of the List of the poisons required by farmers, horticulturists, etc. without any restriction as to the classes of trader who may sell them, would go further than " is reasonably necessary . . . if the public are to have adequate facilities for obtaining them " (section 17 (3)). These poisons are required only by a section of the public, and we accordingly propose that the sale of the agricultural and horticultural poisons, hitherto permitted to be sold only from pharmacies and by persons licensed by the local authority for the purpose, should not be permitted to all traders but should be restricted to such types of trader as may reasonably be expected to stock them, such as seedsmen who carry on a regular business in agricultural or horticultural accessories. (Rule 12 (1)). This will both ensure reasonable facilities to the public and at the same time prevent an over-wide distribution of these highly dangerous poisons.

The Fourth Schedule.

55. It appears to us that it has been the clear intention that the poisons included in Part II of the List should not be sold by listed sellers in every case, in all forms and for all purposes, but that such poisons should be so sold only for the purposes for which they have been included in that part of the List. On this assumption we propose that the more dangerous poisons which we have included in the Fourth Schedule should be sold by listed sellers only when in the articles mentioned against the description of the poison in the second column of that Schedule. It is only when the poisons in Part II of the List take the form of these articles that there is any need to provide the public with greater facilities for purchasing them.

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* Parliamentary Debates, House of Lords, 12.3.31 and 7.3.33 (No. 40 Vol. 80 and No. 26 Vol. 86).

56. Certain of the arsenical and mercurial poisons have been included in Part II of the List to enable farmers and horticulturists to obtain their sheep dips, insecticides, etc. locally and without delay. It is neither necessary nor desirable that these poisons should be widely distributed to private persons, and it is recommended that listed sellers should be permitted to sell them only to persons who are engaged in the business of agriculture or horticulture and require them for the purpose of that business. (Rule 12 (2) (*b*)).

57. We consider that, as in the case of the poisons in Part I of the List, the sale of which is required by section 18 (1) (*a*) to be effected by a registered pharmacist or under his supervision, the poisons in Part II of the List that are in the First Schedule should not be permitted to be supplied from the premises of a listed seller of poisons except by a responsible person. It is proposed that the sale of these dangerous substances should be effected either by the listed seller himself or some responsible person nominated by him as a deputy for the purpose. (Rule 12 (1) (*b*)). It is important that this Rule should not be treated lightly, and in order to ensure full compliance we recommend that the deputies, who must not exceed two in number in respect of each set of premises, should be nominated in writing to the Local Authority.

Arsenical Weed Killers.

58. It will be observed that we have not included arsenical weed killers in the second column of the Fourth Schedule. Although we have received representations from several quarters in regard to the point we have not felt able to advise that arsenical weed killers should be given the wide distribution afforded by the listed sellers, for we cannot ignore the fact that arsenical weed killer has been the poison employed in several cases of murder, and that both in the liquid and powder forms it requires unusually careful handling if disastrous accidents are to be avoided. These facts might not of themselves justify the prohibition of the sale of arsenical weed killer by listed sellers if it were an article which is both in common use and required, in the public interest, to be given a wider distribution. But we are satisfied that there is no such need, for there are on the market equally efficacious weed killers consisting of substances other than arsenic.

As in the representations made to us weed killer has been associated with sheep dips, we should point out that from their nature sheep dips require to be sold only in country districts, and then only to sheep farmers, whereas the distribution of weed killers occurs also in urban areas and is not restricted to any class of user.

A further and important consideration bearing on the point is that the Protection of Animals Act, 1911, makes it an offence for any person " knowingly " to " put or place " or cause or procure any person to " put or place . . . in or upon any land or

building any poison, or any fluid or edible matter (not being sown seed or grain) which has been rendered poisonous.'' The amending Act of 1927 makes it a defence '' that the poison was placed by the accused for the purpose of destroying insects and other invertebrates, rats, mice or other small ground vermin, where such is found to be necessary in the interests of public health, agriculture, or the preservation of other animals, domestic or wild, or for the purpose of manuring the land, and he took all reasonable precautions to prevent injury thereby to dogs, cats, fowls or other domestic animals and wild birds.''. We are advised that the effect of these enactments is to make the use of any poisonous weed killer, in the manner in which weed killers must necessarily be applied, a criminal offence.

Prohibition of the Retail Sale of Strychnine except as a Medicine.

59. In explanation of our recommendation that the retail sale of strychnine should be prohibited except as an ingredient in a medicine (Rule 13), we would point not only to its well known use as an instrument for murder but to the frequent poisoning of hounds, domestic animals and wild birds from the negligent laying down of poisoned baits for vermin. As far as we are aware, strychnine is purchased by the public, except as a medicine, only for the destruction of vermin and the occasional destruction of domestic animals. The latter use is peculiarly callous since the agony of strychnine poisoning is acute. We are advised that the interests of agriculture in no way require the use of strychnine for the destruction of vermin and in fact that it is preferable that other substances, notably red squill, should be employed for the purpose.

Supplementary Provisions with respect to Labelling.

60. We have endeavoured to codify, strengthen and make more precise the existing requirements in regard to the labelling of containers of poisons, whilst making provision for the various practical difficulties which arise from the great variety of types of containers and '' packs '' in use.

The Departmental Committee drew attention in paragraph 46 of its Report to the particular difficulty which arises in regard to '' prepacked '' articles. The Committee stated '' if the ' container ' includes ' wrapper ', the object of these provisions will be defeated, whoever affixes the label, as the wrapper will generally be torn off and lost by the purchaser; if, on the other hand, ' container ' means the bottle or vessel immediately containing the preparation, the retail seller cannot affix the label without tearing off the wrapper and so rendering the package unsaleable. The point may, perhaps, be left to be decided by statutory rule, to which the manufacturer of preparations containing poison, the wholesale dealer and the retail dealer will all be subject.''

We are advised that the term " container " in section 18 of the Act is to be interpreted as meaning the vessel, box, envelope, etc., which contains the poison and is in direct contact with the poison and we accordingly propose that with certain necessary exceptions the labelling provisions of the Act and Rules should be applied to every box or other covering of whatever nature enclosing the container. (Rule 14 (1)).

The problem referred to by the Departmental Committee cannot be resolved entirely satisfactorily, but the difficulty will, we think, be largely met by relieving the wholesaler from the requirement to place his name and address on " prepacked " articles, and, in the case only of such articles as are not included in the First Schedule, by permitting the retailer to place his name and address on the outer cover only. (Rule 19 (1) and (3)). This will ensure that the name and address of the retailer will appear on the container in those cases in which that information is of the most importance, i.e., in the case of the more dangerous substances, whilst at the same time obviating the necessity of destroying the pack in the case of the bulk of proprietary articles which contain a poison.

We attach particular importance to the requirements in regard to the name of the poison contained in Rule 15 (1) (*a*) (i), which are in part intended to put a stop to the growing practice of manufacturers of proprietary medicines of employing chemical descriptions of well known drugs in such a form as to be unrecognisable except by an organic chemist.

Notable examples of this practice which have been brought to our notice are the description of ephedrine as ethylmethylaminohydroxytoluene and of amidopyrine as dimethylaminophenyldimethylisopyrazolone.

The Use of Cautionary Words other than " Poison ".

61. Section 18 (1) (*c*) (iii) permits an indication of the character of the article other than the word " Poison " to be prescribed for the purposes of labelling, and we consider that full advantage should be taken of this power. Rule 17 and the Fifth Schedule contain the relevant proposals. It appears to us to detract greatly from the monitory effect of the word " Poison " if it is used on medicines intended to be swallowed and, as will be seen, we propose that, except in the case of those medicines that are so dangerous as to require medical supervision and need to be labelled as such, the cautionary words on all medicines to be taken internally should be merely " Caution. It is dangerous to exceed the stated dose.". The other prescribed warnings speak for themselves.

We have considered the danger, to which reference was made in paragraph 64 of the Report of the Departmental Committee, arising from the use of such popular names as " spirits of salt " and " salts of lemon " but are of opinion that it is not practicable to prohibit the use of these names. If our proposals in regard to labelling are adopted the proper name of the poison will also appear conspicuously upon the label together with an adequate caution.

This will, we think, sufficiently counteract any misapprehension that may be caused by the use of a seemingly attractive but misleading term.

Storage.

62. Except as regards storage in retail shops and hospitals, the varied conditions under which poisons may be stored do not permit the regulation of storage beyond a requirement, in very general terms, that the containers in which poisons are kept shall be such as to prevent the risk of leakage. (Rule 21 (1)).

It is manifestly important that poisons in shops to which the public have access and from which they obtain articles for food should be stored on a consistent plan that will minimise the risk of error on the part of the shopkeeper or his assistants and of the contamination of food. On the other hand it would be a mistake to regulate in too great detail the manner in which a pharmacist orders the arrangement of his dispensing counter. We have borne both these considerations in mind in drafting Rule 21 (2), which, in view of the fact that poisons will be allowed to be kept loose only in shops in charge of a trained and qualified pharmacist (see paragraph 53 of this Report), appears to us to provide adequate safeguards.

We later propose that the storage of poisons in hospitals and similar institutions should be dealt with in a rule applying solely to the supply and storage of poisons in such institutions.

Transport.

63. As was indicated in paragraph 14 of this Report, we feel it unnecessary, in view of the Rules to be issued under the Petroleum (Consolidation) Act, 1928, that steps should be taken under the legislation relating to poisons to deal with the risks arising from the carriage of poisonous substances giving off dangerous fumes, but we are satisfied that the grave results which might follow, and have in fact followed, from the leakage of the more deadly poisons from their containers during transport, require that use should be made of the powers given by section 23 (1) (*c*) to safeguard the public from the risk of the contamination of food by poisons in transit. We have given much consideration to the matter and have come to the conclusion that the rules relating to transport must either be of a very simple and general character or take the form of an elaborate code in which the transport of each of the many forms of poisonous preparation in commerce is separately regulated. We recommend the former course.

In Rule 22 we propose that it should be made an offence to consign any poison not sufficiently stoutly packed to avoid leakage, and Rule 23 (1) is directed to ensuring that the containers of the more deadly poisons in distribution, which, but for these Rules are likely to be transported with food, shall be so labelled that the carrier and his servants shall be warned that they are not to be transported with foodstuffs or " foodstuff empties ". Once having seen

this label or otherwise having knowledge of the contents, the carrier is required by Rule 23 (2) to transport the article so as to avoid risk of the contamination of food.

We have taken care to ensure that there is nothing in our recommendations which is inconsistent with the requirements of the Railway Companies in regard to the labelling by the consignor of the goods classified by them as dangerous or with the recommendations as to labelling made by the Board of Trade Committee on the Carriage of Dangerous Goods and Explosives in Ships.*

We should mention that it was strongly suggested to us from certain quarters that something on the lines of the elaborate code of requirements which the railway companies have applied in respect of " dangerous goods " consigned for transport by rail should be applied to the transport of poisons by road. We should point out, however, that the conditions of railway and of road transport are essentially different, and moreover that the objects of the requirements imposed by the railways include the protection of the companies from claims for compensation by owners of goods damaged during transit—an aspect with which poisons legislation is not concerned. We consider that the situation will be sufficiently met by the general requirements which we propose in Rules 22 and 23.

Hospitals and Dispensaries.

64. Although the control of poisons in many hospitals is known to us to reach a high order of efficiency, we have reason to believe that the conditions prevailing in some are not so satisfactory and that serious accidents from time to time occur through a laxity of supervision and insufficient care. In framing our recommendations we have aimed at providing a set of rules of a very general character which are capable of amplification in detail to suit special requirements. We would wish the rules that we recommend (Rules 24 and 25) to be considered to represent the minimum precautions to be taken, it being contemplated that the authorities concerned will institute such additional control and supervision as the circumstances of the institution may require. We attach particular importance to the routine inspection of all stores of poisons, poisons cupboards, etc. by a person specially nominated for the purpose. In all institutions where there is a whole-time pharmacist, he will normally be the person nominated. We have, however, left it to the discretion of the authorities of the institution to appoint some other qualified person, as, for example, a resident medical officer.

As regards the supply of poisons from hospitals, etc. to out-patients we notice that, as section 18 stands, the practice of some hospitals and dispensaries of supplying out-patients with their medicines at a nominal charge becomes, if the medicine should contain a poison, illegal. We presume that such cases were intended to be met by rule and propose, accordingly, the relaxation of section 18 to permit the practice to continue. (Rule 24 (1)). We have included in this rule veterinary hospitals which are under

* Stationery Office Publication 51–202, 1933.

the superintendence of a veterinary surgeon, in order to permit the " sale " of animal medicines from such hospitals. We do not consider, however, that it is desirable that poisons should be supplied to the public from animal dispensaries of which there is no qualified person in charge and we have not therefore included such establishments within the scope of the relaxation.

The supply of poisons from hospitals, etc. to out-patients should be placed, we consider, under similar requirements in regard to labelling and records as is the supply of medicines from pharmacies and doctors' dispensaries. This is effected by Rule 24 (3) and (4).

There remains to be considered under the head of hospitals, etc. the question what hospitals, dispensaries and similar institutions should be approved for the purposes of paragraph (4) of section 20. It will be unnecessary to approve any institution carried on for profit, as a sale to such an institution is already dealt with by paragraph (5) of section 20 as a " sale of an article . . . to a person who requires the article for the purpose of his trade or business ". We recommend that the Order approving institutions for the purpose of paragraph (4) shall apply solely to hospitals, infirmaries or dispensaries, whether for the treatment of human beings or animals, maintained by any public authority or out of any public funds or by a charity or voluntary subscriptions.

Control of the Manufacture of Pharmaceutical Preparations.

65. A principle of the Pharmacy Act, 1868, that is reproduced in section 19 of the Act of 1933, is that medicines containing a poison should be compounded by a person duly qualified to do so. The principle is, however, applied by the Act specifically in pharmacies only, whereas the practice whereby the bulk of the nation's medicines were made up from ingredients in pharmacies has become so modified that to-day large numbers of remedies commonly prescribed by doctors are compounded, not in the pharmacy, but by some manufacturing house which supplies the pharmacy. Moreover, there is an increasing tendency for the remedies which can be prepared and compounded in the individual pharmacy to be replaced by newer remedies capable of preparation only by complicated chemical processes and on a large scale. These newer remedies, increasing in number, frequently possess a proprietary name which is quoted specifically by the doctor in his prescription.

It is to be inferred from the inclusion in section 23 of the power to require persons in control of the manufacture of pharmaceutical preparations containing poisons to be registered pharmacists or persons possessing the prescribed qualification in chemistry, that it was considered necessary in the public interest that the compounding of medicines containing poisons, wherever undertaken, should be in the hands of qualified persons.

As the risk to the public which is to be met is the danger of swallowing a medicine containing more than the therapeutic dose of a poison, it will be unnecessary to exercise this power to the full extent of covering all pharmaceutical preparations, and the

rule to be made need apply only to the manufacture of preparations for the purpose of the internal treatment of human ailments. Although the supervision of the manufacture of pharmaceutical products is peculiarly the province of the profession of pharmacy, circumstances may require that members of the medical and chemical professions should on occasion be so employed. We therefore recommend that the control of the manufacture of pharmaceutical preparations for the internal treatment of human ailments should be restricted to registered pharmacists, medical practitioners, Fellows and Associates of the Institute of Chemistry, and—in order to avoid hardship to those persons who, whilst possessing none of these qualifications, have been engaged in the past in the control of the manufacture of pharmaceutical preparations and by reason of their experience may be taken to have become adequately trained—persons who have been so engaged for a continuous period of three years.

There is a further class of persons to be considered. Many chemists obtain their training in chemistry at universities or technical colleges at which they take a degree, or a diploma in Science, and they are frequently chemists of a high standing. A university degree or diploma in Science does not, however, necessarily imply that the holder is qualified in chemistry. The suggestion was made to us by the Institute of Chemistry and the Association of British Chemical Manufacturers that, in order to deal with the difficulty created by this class and other persons who, whilst possessing neither medical, nor pharmaceutical qualifications nor those of the Institute of Chemistry, might be considered from their training or experience to be entitled to supervise the manufacture of pharmaceutical preparations, an additional class of persons should be included in the Rule. This class should, it was suggested, consist of other persons licensed by the Home Office on the advice of a committee consisting of representatives of the Pharmaceutical Society, the Institute of Chemistry, the Association of British Chemical Manufacturers and the Wholesale Drug Trade Association. We feel unable to accept this suggestion as there are several objections to such a scheme, not the least of which is that its validity would seriously be open to question. The powers given by section 23 (1) (*i*) are confined to restricting control of manufacture to " registered pharmacists or persons possessing the *prescribed qualifications* in chemistry.". A system of licensing is clearly not contemplated.

We are faced with the fact that there is in this country no recognised body other than the Institute of Chemistry that issues certificates or other documentary evidence of competency in chemistry as such. Moreover, a university degree or diploma cannot be withdrawn, whereas the Institute occupies in respect of the chemical profession much the same position in this regard as do the General Medical Council and the Council of the Pharmaceutical Society in respect of the medical and pharmaceutical professions

respectively. It can withdraw its qualifications in cases of professional misconduct. We think it important that the right to supervise the manufacture of medicines containing poison should be capable of withdrawal.

Having regard to the provision made for the case of persons now engaged in the supervision of the manufacture of pharmaceutical preparations, we do not feel that in practice our proposals will create any hardship since we understand that the byelaws of the Institute of Chemistry admit of exemption from the Institute's own examinations in a case in which the Council of the Institute is satisfied that the candidate possesses the necessary knowledge and experience. In the event, therefore, of a chemist having, say, a university Science degree of honours standing in chemistry, wishing to enter upon the manufacture of pharmaceutical preparations, it will be open to him to apply for the necessary qualifications without taking a further examination, and any such application will doubtless receive the fullest consideration by the Institute.

Addition of Colouring Matter to Poisons.

66. The provisions of the Arsenic Act, 1851, requiring the addition of colouring matter to arsenic, will be repealed when the Pharmacy and Poisons Act, 1933, comes into operation. We propose that they should be replaced by Rule 28, which has been drafted with a view to ensuring that not only arsenical preparations but all those poisonous preparations that are peculiarly liable to be used for murder should be so coloured as to make the poison capable of easy detection. At the same time the Rule makes provision for the case in which the product or the poison itself is already of a distinctive colour, such as sheep dips that are a bright yellow or copper acetoarsenite which is itself a brilliant green.

Form of Application to be Entered on the Local Authority's List.

67. Section 21 (1) requires that the form of application to be entered in a list of the local authority for the purpose of becoming entitled to sell poisons in Part II of the List shall be prescribed by rule. We recommend that the form of application shall be that set out in the Seventh Schedule to the Rules. As listed sellers do not undergo, as do pharmacists, any training in the law relating to the sale of poisons, it would seem very desirable that the attention of the former should be directed, before they become entitled to sell any poisons, to the names of the poisons which alone may be sold by persons who are not authorised sellers and also to the main provisions of the Acts and Rules affecting them. This can be done by means of notes, such as we have appended, at the foot or on the back of the form of application.

Fees for Registration.

68. Although the fees for registration with the local authority to be paid both initially and annually and for any alteration in the

Register in regard to the premises are also matters to be prescribed by rule, we feel that the question is a little outside our province and one to be considered and settled by the Home Office. We have arranged that such representations as we have received in regard to the amounts at which the fees should be fixed shall be available to the Home Office for consideration.

Certificate required by Section 18 (2).

69. In explanation of the provisions permitting, as an alternative to the requirement that the purchaser of a poison should be known to the vendor as a person to whom a poison may properly be sold, the sale of a poison upon a certificate to the same effect given by a person authorised by rules to give it, the Departmental Committee stated in paragraph 47 of its report that " it adopts machinery which is familiar and has been found workable in connection with the issue of passports.".

These certificates will occasionally be required by an individual temporarily away from home who may require to obtain a poison in the First Schedule from a local pharmacy or listed seller and, more frequently, by a person requiring to buy a poison from a wholesaler or other vendor at a distance. In neither case would the vendor be able easily to verify that the signature on the certificate was that of the person purporting to give it, or that that person was authorised to give a certificate, unless the signature was accompanied by some official stamp easily recognised and unlikely to be forged. The classes of persons whose verification of the facts is required to accompany an application for a passport (as for instance, Justices of the Peace, ministers of religion, etc.), do not possess such stamps. In these circumstances, our recommendation is that the certificate be given by a householder known to the seller as a responsible person of good character, but that if the householder is not so known to the seller, the certificate shall be valid only if it is stamped with the stamp of a police station and endorsed by the officer in charge of the station to the effect that the householder is, in so far as is known to the police of the district, a responsible person of good character. (Rule 30 and Ninth Schedule).

Fumigation by Hydrocyanic Acid.

70. The increasing use of compressed hydrocyanic acid for the extermination of bed bugs may lead to disaster if persons not experienced in fumigation with this gas should attempt to employ it. The chief danger is that fumigation may take place without due precaution being taken to prevent accident to persons in the neighbourhood and the return of the occupiers of the fumigated area before sufficient time has elapsed to allow the gas to dissipate. With a view to reducing this risk we recommend that every container of compressed hydrocyanic acid should be required to be labelled with a warning to the effect that the contents should be used for fumigation only by persons expert in fumigation with this gas. (Rule 18 (1) (*c*).)

Meaning of the Term " Medicine ".

71. During our deliberations we found it necessary, in order to avoid confusion, to come to a common understanding of the meaning of the term " medicine ", which is used frequently, but not defined, in the Act. We do not offer a definition of the term, but we think that a substance cannot properly be regarded as a medicine unless it is intended to be applied either internally or externally to the body of a patient. This criterion distinguishes medicines from chemical reagents and from general disinfectants. It is a criterion which has, we understand, proved useful in the administration of the National Health Insurance Act, and as we foresee that questions are likely to arise in the administration of the Pharmacy and Poisons Act and the Poisons Rules turning on the exact meaning to be placed on the term " medicine ", we recommend that the enforcing authorities should, in the absence of any judicial decision on the point, adopt the same criterion.

IV.—NORTHERN IRELAND.

72. The control of the sale, supply, storage and transport of poisons in Northern Ireland is effected by the legislation of Northern Ireland, and since it is exports from the *United Kingdom* and not consignments from *Great Britain* that are exempted from the Acts and Rules, difficulties would arise were the requirements of Northern Ireland, particularly in regard to labels and containers, to be different from those of Great Britain. We are not aware that our proposals in any way conflict with the legislation in force in Northern Ireland, or that the provisions of the Act or Rules relating to the knowledge of the purchaser, certificates, signed orders, sales to duly qualified medical practitioners, hospitals and so on, are in any way unworkable in relation to supplies from this country to Northern Ireland, but it is, nevertheless, desirable that both the Act and Rules should be closely examined from this point of view by the authorities in Northern Ireland at an early date so that any discrepancy that may be found to exist can be removed before the Rules are brought into force.

V.—ACKNOWLEDGEMENTS.

73. We wish to acknowledge the very valuable assistance given to us by all the interests which, as explained in paragraph 4 above, we have found it necessary to consult. We desire, in this connection, particularly to refer to the information forwarded from time to time at our request by the Association of British Chemical Manufacturers, of which both the general manager, Mr. J. Davidson Pratt, and individual members have taken considerable pains to supply detailed particulars of the many uses of poisons in industry and the channels of their distribution.

74. Sir Walter Greaves-Lord retired from our number on his appointment as one of His Majesty's Judges, but we were fortunate in having his active co-operation and assistance until a late stage in our proceedings, when our recommendations had already begun to assume their final form.

75. We cannot close our report without expressing our high appreciation of the assistance that has been rendered to us by our secretariat. Mr. M. D. Perrins has brought to our aid an experience and a knowledge of the whole history of the law relating to poisons and its administration, which have been invaluable throughout our proceedings. We are indebted to him also for a long series of memoranda and for the examination and preparation of all material for our consideration (including the draft of our report), which have greatly facilitated our discussions. Much of this intricate work has had to be performed at high pressure, and has made heavy demands on Mr. Perrins's time outside working hours. To Mr. K. B. Paice we owe thanks in particular for the admirable notes he has taken of our discussions, and for the minutes he has prepared of our meetings. Mr. A. A. Parker has been responsible for the very efficient arrangement and distribution of our papers. To each of these gentlemen we desire to express our warmest thanks.

We have the honour to be,
Sir,
Your obedient Servants,

GERALD BELLHOUSE, (Chairman).
J. N. BECKETT.
JOHN W. BONE.
H. E. DALE.
J. H. FRANKLIN.
JOHN M. JOHNSTON.
HUGH N. LINSTEAD.
WM. G. LOBJOIT.
G. ROCHE LYNCH.
G. A. MALLINSON.
G. F. McCLEARY.
ERNEST T. NEATHERCOAT.
R. ROBERTSON.
SYDNEY SMITH.
P. SPARKS.
RALPH STOCKMAN.
M. H. WHITELEGGE.
W. H. WILLCOX.

M. D. PERRINS,
(Secretary).

29th May, 1935.

APPENDIX I.

THE POISONS LIST.

In the construction of this List, unless the contrary intention appears—

(1) a reference to a substance shall include a reference to that substance prepared either from natural sources or artificially;

(2) a reference to a substance shall include a reference to that substance when contained as such in any preparation, solution, admixture or natural substance;

(3) words in the singular shall include the plural, and words in the plura shall include the singular.

PART I.

Acetanilide; alkyl acetanilides
Acetic acid
Alkali fluorides other than those specified in Part II of this List
Alkaloids, the following; their salts, simple or complex:—
- Acetyldihydrocodeinone; its esters
- Aconite, alkaloids of
- Apomorphine
- Atropine
- Belladonna, alkaloids of
- Benzoylmorphine
- Benzylmorphine
- Brucine
- Calabar bean, alkaloids of
- Coca, alkaloids of
- Cocaine
- Codeine
- Colchicine
- Coniine
- Cotarnine
- Curarine
- Diacetylmorphine
- Dihydrocodeinone; its esters
- Dihydrohydroxycodeinone; its esters
- Dihydromorphine; its esters
- Dihydromorphinone; its esters
- Ecgonine; its esters
- Emetine
- Ephedra, alkaloids of
- Ergot, alkaloids of
- Ethylmorphine
- Gelsemium, alkaloids of
- Homatropine
- Hyoscine
- Hyoscyamine
- Jaborandi, alkaloids of
- Lobelia, alkaloids of
- Morphine
- Papaverine
- Pomegranate, alkaloids of
- Quebracho, alkaloids of, other than the alkaloids of red quebracho
- Sabadilla, alkaloids of
- Solanaceous alkaloids not otherwise included in this List
- Stavesacre, alkaloids of
- Strychnine.
- Thebaine.
- Veratrum, alkaloids of
- Yohimba, alkaloids of

Allylisopropylacetylurea
Amidopyrine
Amino-alcohols, esterified with benzoic acid, phenylacetic acid, phenylpropionic acid, cinnamic acid or the derivatives of these acids
Amylene hydrate
Amyl nitrite
Antimony, chlorides of; oxides of antimony; sulphides of antimony; antimonates; antimonites; organic compounds of antimony
Arsenical substances, the following except those specified in Part II of this List:—arsenic, halides of; oxides of arsenic; arsenates; arsenites; organic compounds of arsenic
Barbituric acid; its salts; derivatives of barbituric acid; their salts; compounds of barbituric acid, its salts, its derivatives, their salts, with any other substance
Barium, salts of, other than barium sulphate and the salts of barium specified in Part II of this List
Butyl chloral hydrate
Cannabis (the dried flowering or fruiting tops of *Cannabis sativa* Linn.); the resin of cannabis; extracts of cannabis; tinctures of cannabis; cannabin tannate
Cantharidin; cantharidates
Carbon tetrachloride
Chenopodium, oil of
Chloral formamide
Chloral hydrate
Chloroform
Creosote obtained from wood
Croton, oil of
Digitalis, glycosides of; other active principles of digitalis

PART I—*continued.*

Dinitrocresols; dinitronaphthols; dinitrophenols; dinitrothymols
Elaterin
Ergot (the sclerotia of any species of *Claviceps*); extracts of ergot; tinctures of ergot
Erythrityl tetranitrate
Ethyl bromide; ethyl chloride
Glyceryl trinitrate
Gold, salts of; gold, compound salts of
Guanidines, the following:—polymethylene diguanidines, dipara-anisylphenetyl guanidine
Hydrochloric acid
Hydrocyanic acid; cyanides; double cyanides of mercury and zinc
Insulin
Lead acetates; compounds of lead with acids from fixed oils
Mannityl tetranitrate
Mercury, oxides of; nitrates of mercury; mercuric ammonium chlorides; potassio-mercuric iodides; mercuric oxycyanides; mercuric thiocyanate
Nitric acid
Nitrophenols
Nux Vomica
Opium
Orthocaine; its salts
Ouabain
Oxalic acid; metallic oxalates
Oxycinchoninic acid, derivatives of; their salts; their esters
Paraldehyde
Para-amino-benzoic acid, esters of; their salts
Phenetidylphenacetin
Phenols (any member of the series of phenols of which the first member is phenol and of which the molecular composition varies from member to member by one atom of carbon and two atoms of hydrogen) except in substances, other than lysol or dilutions of lysol, containing less than sixty per cent., weight in weight, of phenols; compounds of phenol with a metal, except in substances containing less than the equivalent of sixty per cent., weight in weight, of phenols
Phenylcinchoninic acid; its salts; its esters
Phenylene diamines; toluene diamines; their salts
Phenylethylhydantoin; its salts; its acyl derivatives; their salts
Phosphorus, yellow
Picric acid
Picrotoxin
Pituitary gland, the active principles of
Potassium nitrite
Santonin; santoninic acid; its salts
Savin; oil of
Sodium nitrite
Strophanthus; glycosides of strophanthus
Sulphonal; alkyl sulphonals
Suprarenal gland, the active principles of; their salts
Thallium, salts of
Thyroid gland, the active principles of; their salts
Tribromethyl alcohol

PART II.

Ammonia, solutions of
Arsenical substances, the following:—
- Arsenic sulphides
- Arsenious oxide
- Calcium arsenates
- Calcium arsenites
- Copper acetoarsenites
- Copper arsenates
- Copper arsenites
- Lead arsenates
- Sodium arsenates
- Sodium arsenites
- Sodium thioarsenates

Barium, salts of, the following:—
- Barium carbonate
- Barium silicofluoride

Formaldehyde
Hydrofluoric acid; potassium fluoride; sodium fluoride; sodium silicofluoride
Mercuric chloride; mercuric iodide; organic compounds of mercury
Nicotine; its salts
Nitrobenzene
Phenols as defined in Part I of this List in substances, other than lysol or dilutions of lysol, containing less than sixty per cent., weight in weight, of phenols; compounds of phenol with a metal in substances containing less than the equivalent of sixty per cent. weight in weight, of phenols
Potassium hydroxide
Sodium hydroxide
Sulphuric acid

(*Note.*—Several poisons in this List are exempted by the Poisons Rules made by the Secretary of State under the Pharmacy and Poisons Act, 1933, from the application of the Act when present in certain specified substances or articles.)

APPENDIX II.

DRAFT POISONS RULES.

ARRANGEMENT OF RULES.

POISONS RULES.

Citation and commencement.

1. (1) These Rules may be cited as the Poisons Rules, 1935, and shall come into operation on the day of , 193 .

(2) For a period of twelve months after these rules come into operation the requirements of these rules as respects the labelling of poisons and the containers in which poisons may be stored or transported or may be sold or supplied shall be deemed to be complied with if the corresponding provisions (if any) of the enactments mentioned in the Third Schedule to the Act are complied with.

Interpretation.

2. (1) In these rules, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them, that is to say—

"the Act" means the Pharmacy and Poisons Act, 1933;

"Animal" includes poultry;

"Antimonial poisons" means chlorides of antimony, oxides of antimony, sulphides of antimony, antimonates, antimonites, and organic compounds of antimony;

"Arsenical poisons" means halides of arsenic, oxides of arsenic, sulphides of arsenic, arsenates, arsenites, and organic compounds of arsenic;

"Food" includes a beverage;

"British Pharmaceutical Codex" and "British Pharmacopoeia" respectively include any supplements to those works;

"Listed seller of Part II poisons" means a person entitled, subject to the Act and these rules, to sell poisons included in Part II of the Poisons List by virtue of the entry of his name in a local authority's list kept in pursuance of section 21 of the Act;

"Mercurial poisons" means oxides of mercury, nitrates of mercury, mercuric ammonium chlorides, potassio-mercuric iodides, mercuric oxycyanides, mercuric thiocyanate.

(2) In these rules—

(*a*) any reference to an alkaloid shall include a reference to any salt of that alkaloid and, in a case where the esters of an alkaloid are included in the Poisons List by virtue of the words "its esters", to any esters of that alkaloid;

(*b*) any reference to medicines for the internal treatment of human ailments shall include a reference to gargles, mouthwashes, eye-drops, eye-lotions, ear-drops and douches for naso-pharyngeal, rectal, vaginal or urethral use.

(3) Any reference in the Schedules to these rules to the percentage of a poison contained in any substance shall, unless otherwise expressly provided, be construed in the following manner, that is to say, a reference to a substance containing one per cent. of any poison means

(*a*) in the case of a solid substance, that one gramme of the poison is contained in every hundred grammes of the substance;

(*b*) in the case of a liquid substance, that one millilitre of the poison, or, if the poison itself is a solid, one gramme of the poison, is contained in every hundred millilitres of the substance;

and so in proportion for any greater or less percentage.

(4) The Interpretation Act, 1889, applies for the purpose of the construction of these rules as it applies for the purpose of the construction of an Act of Parliament.

Application and Relaxation of Part II of the Act.

Restriction of sales by shopkeepers.

3. Notwithstanding the provisions of section 20 of the Act (which exempts from the provisions of Part II of the Act sales by way of wholesale dealing, and sales to certain persons), it shall not be lawful for any shopkeeper to sell poisons on any premises used for or in connection with his retail business unless he is an authorised seller of poisons or a listed seller of Part II poisons and the sale is made in accordance with the provisions of paragraphs (*a*) or (*b*) of section 18(1) of the Act.

Exemption of animal medicines.

4. (1) The provisions of the said paragraphs (*a*) and (*b*) shall not apply with respect to any of the poisons hereinafter specified if it consists of or is contained in a medicine for the treatment of animals and is sold by a person carrying on a business which comprises the manufacture of medicines for the treatment of animals, and the following requirements are complied with :—

(*a*) a statement in writing signed by the owner of the business, or, in the case of a corporate body, on behalf of that body, stating the name of the business, the principal place where it is carried on, the name of the person in charge of the sale of poisons, and the premises on which the poisons are to be sold must be furnished prior to the sale to the registrar of the Pharmaceutical Society ; and

(*b*) the sale must be effected on the premises specified in the statement ; and

(*c*) an inspector appointed under section 25 of the Act, must be permitted at all reasonable times to enter the premises and be given all reasonable facilities to make such examination and enquiry and to do such other things (including the taking, on payment therefor, of samples) as may be necessary for ascertaining whether the provisions of the Act and of these rules are being complied with.

(2) This rule applies to the following poisons :—

chlorides of antimony, sulphides of antimony, belladonna, the alkaloids of belladonna, cantharidin, carbon tetrachloride, oil of chenopodium, chloral hydrate, croton oil, mercuric iodide, mercuric oxide, santonin

and no other poison.

Extension of labelling provisions.

5. The provisions of paragraph (*c*) of section 18(1) of the Act (which provides for the labelling of poisons) and the provisions of these rules relating to the labelling of poisons shall, notwithstanding anything in section 20 of the Act, apply with respect to the sale of any poisons in the circumstances specified in paragraphs (1), (3), (4) and (5) of the said section 20 ; and shall also apply with respect to the supply of poisons (otherwise than by sale) in like manner as if references in the said provisions to the sale and the seller of poisons included references to the supply and the supplier of poisons respectively.

Limitation of section 18(2) to certain substances.

6. The provisions of section 18(2) of the Act (which makes provision as to persons to whom poisons may be sold and to the keeping of records of sales) shall apply to all substances in the First Schedule to these rules, whether or not they consist of or contain poisons included in Part I of the Poisons List, and shall not apply to any other substance :

Provided that paragraph (*a*) of the said section 18(2) of the Act shall, in its application to sales by listed sellers of Part II poisons, be deemed to be satisfied if the person to whom the substance is sold is known by the person in charge of the premises on which the substance is sold or of the department of the business in which the sale is effected to be a person to whom the poison may properly be sold.

Extension of section 18(2) to sales wholesale etc. and relaxation of the said sub-section.

7. (1) The provisions of the said section 18(2) as modified by the last foregoing rule shall, notwithstanding anything in section 20 of the Act, apply with respect to the sale of poisons in the circumstances specified in paragraphs (1), (3), (4) and (5) of the said section 20 and shall also apply to the supply, otherwise than by sale, of commercial samples consisting of or containing any substance included in the First Schedule to these rules :

Provided that the said provisions shall not apply with respect to the sale or supply of any article by the manufacturer thereof or by a person carrying on a business in the course of which poisons are regularly sold by way of wholesale dealing, if—

(*a*) the article is sold or supplied to a person carrying on a trade or business in the course of which poisons are regularly sold or are regularly used in the manufacture of other articles, and

(*b*) the seller or supplier is reasonably satisfied that the purchaser requires the article for the purpose of his trade or business.

(2) Paragraph (*a*) of the said section 18 (2) shall, in its application to the sale of poisons in the circumstances specified as aforesaid and to the supply of such commercial samples as aforesaid, be deemed to be satisfied if the person to whom the poison or sample is sold or supplied is known by the person in charge of the department of the business through which the sale or supply is effected to be a person to whom the poison or sample may properly be sold or supplied.

(3) So much of paragraph (*b*) of the said section 18 (2) as requires an entry in a book to be signed by the purchaser of the poison shall not, as respects the sale of the poison to a person for the purposes of his trade, business or profession, apply if the following requirements are satisfied—

(*a*) the seller must obtain before the completion of the sale an order in writing signed by the purchaser stating his name and address, trade, business or profession, the name and quantity of the article to be purchased, and the purpose for which the poison is required;

(*b*) the seller must be reasonably satisfied that the signature is that of the person purporting to have signed the order, and that that person carries on the trade, business or profession stated in the order, being one in which the poison to be purchased is used;

(*c*) if the article sold is sent by post, it must be sent by registered post;

(*d*) the seller must insert in the entry prescribed by rule 31 of these rules the words "signed order" and a reference number by which the order can be identified:

Provided that where a person represents that he urgently requires a poison for the purpose of his trade, business or profession, the seller may, if he is reasonably satisfied that the person so requires the poison and is, by reason of some emergency, unable before delivery either to furnish to the seller an order in writing duly signed or to attend and sign the entry in the book, deliver the poison to the purchaser on an undertaking by the purchaser to furnish such an order within the twenty-four hours next following.

If any purchaser by whom any such undertaking has been given fails to deliver to the seller a signed order in accordance with the undertaking, or if any person for the purpose of obtaining delivery of any poison under the foregoing proviso makes a statement which is to his knowledge false, he shall be deemed to have contravened the provisions of this rule.

(4) Such of the provisions of this rule as require the purchaser to state his trade, business or profession and the seller to be satisfied with respect thereto, shall not apply in the case of a sale to any hospital, infirmary, dispensary or clinic, and for the reference in the proviso to the foregoing paragraph to the purposes of the purchaser's trade, business or profession, there shall be substituted, in the case of any such sale, a reference to the purposes of medical, dental or veterinary treatment.

Relaxation of section 19 (3) in the case of certain medicines.

8. (1) The requirements mentioned in section 19 (3) of the Act (which requires particulars of medicines supplied or dispensed under that section to be entered in a book) need not be satisfied in the case of any medicine, not being a medicine consisting of or containing any substance included in the First Schedule to these rules, which is supplied by—

(*a*) a duly qualified medical practitioner for the purposes of medical treatment; or

(*b*) an authorised seller of poisons on and in accordance with a prescription given by a duly qualified medical practitioner.

(2) The said requirements need not be satisfied in the case of any medicine which is supplied on and in accordance with a prescription given by a duly qualified medical practitioner upon a form issued by a local authority (whether a local authority as defined in the Act or not) for use in connection with a health service of that authority, and the following requirements shall have effect in lieu thereof—

(*a*) the prescription or a true copy thereof shall be kept upon the premises upon which the medicine was dispensed for a period of at least two years in such a manner as to be readily available for inspection; and

(*b*) the prescription or copy shall bear on it particulars of the date of dispensing, the ingredients and quantity of the medicine supplied, and the name of the person by whom, the name and address of the person to whom, and the date on which, the prescription was given.

(3) Except as is provided by this rule and by rules 11, 18 and 20, no restrictions or requirements imposed by these rules shall apply with respect to medicines, or poisons forming part of the ingredients of medicines, which are supplied or dispensed by the persons mentioned in section 19 of the Act and in accordance with the provisions of that section.

Exemption from the provisions relating solely to the First Schedule.

9. Such of the provisions of these rules, and of Part II of the Act as modified by these rules, as applies solely to the substances included in the First Schedule to these rules, shall not apply to—

(*a*) machine-spread plasters ; or

(*b*) surgical dressings ; or

(*c*) articles containing barium carbonate and prepared for the destruction of vermin ; or

(*d*) corn paints in which the only poison is a poison included in the Poisons List under the heading of " Cannabis."

Complete exemption for certain articles and poisons.

10. Nothing in these rules or in Part II of the Act shall apply with respect to—

(*a*) any article included in Part I of the Second Schedule to these rules ; or

(*b*) any poison specified in the first column of Part II of the said Schedule when contained in or consisting of the article or substance specified in the second column opposite the description of the poison.

Additional restrictions on the sale of poisons.

Additional restriction of sale of certain poisons.

11. (1) It shall not be lawful to sell any poison included in the Third Schedule to these rules, except on and in accordance with a prescription given by a duly qualified medical practitioner, registered dentist or registered veterinary surgeon in the form provided by this rule.

(2) This rule shall apply to the sale of any such poison, notwithstanding that it consists of or is an ingredient of a medicine dispensed or supplied in the circumstances specified in paragraphs (*b*) and (*c*) of section 19 (1) of the Act and in accordance with the provisions of that section, but shall not apply to the sale of any such poison in the circumstances specified in section 20 of the Act.

(3) For the purposes of this rule a prescription shall—

(*a*) be in writing and be signed by the person giving it with his usual signature and be dated by him ;

(*b*) except in the case of a health prescription, specify the address of the person giving it ;

(*c*) specify the name and address of the person for whose treatment it is given or, if the prescription is given by a veterinary surgeon, of the person to whom the medicine is to be delivered ;

(*d*) have written thereon, if given by a dentist, the words " For dental treatment only." or, if given by a veterinary surgeon, the words " For animal treatment only." ;

(*e*) indicate the total amount of the medicine to be supplied and the dose to be taken.

(4) The person dispensing the prescription shall comply with the following requirements—

(*a*) the prescription shall not be dispensed more than once unless the prescriber has stated thereon that it may be dispensed more than once ;

(*b*) if the prescription contains a direction that it may be dispensed a stated number of times or at stated intervals, it shall not be dispensed otherwise than in accordance with the direction ;

(*c*) at the time of dispensing there shall be noted on the face of the prescription above the signature of the prescriber the name and address of the seller and the date on which the prescription is dispensed ;

(*d*) except in the case of a health prescription or a prescription which may be dispensed again, the prescription shall, for a period of two years, be retained and kept on the premises on which it was dispensed in such manner as to be readily available for inspection.

(5) In this rule "health prescription" means a prescription given by a duly qualified medical practitioner under and in accordance with the Acts relating to national health insurance, or given by a duly qualified medical practitioner upon a form issued by a local authority (whether a local authority as defined in the Act or not) for use in connection with a health service of that authority.

Restriction of sales by listed sellers of Part II poisons.

12. (1) No listed seller of Part II poisons shall sell any substance included in the First Schedule to these rules unless—

(*a*) he is a nurseryman, seedsman, corn chandler, ironmonger, agricultural or horticultural sundriesman, and carries on a regular business in agricultural or horticultural accessories; and

(*b*) the sale is effected by himself or by a responsible deputy.

In this paragraph the expression "responsible deputy" means a person nominated as a deputy on the seller's form of application, as hereinafter prescribed, for entry as a listed seller of Part II poisons, or any person substituted, by notice in writing to the local authority, for a person so nominated, and not more than two deputies shall be nominated at the same time in respect of one set of premises.

(2) No listed seller of Part II poisons shall sell—

(*a*) any poison included in the first column of the Fourth Schedule to these rules unless the poison consists of or is contained in any of the substances mentioned against the description of the poison in the second column of that Schedule, and the container of the substance is, in addition to any other direction of the Act or of these rules with respect to labelling, labelled clearly with a notice of the special purpose for which the substance is intended, and a warning that it is only to be used for that purpose;

(*b*) any arsenical poison, other than lead arsenate and calcium arsenate, any mercuric chloride, mercuric iodide or any compounds of mercury, unless the purchaser thereof is engaged in the trade or business of agriculture or horticulture and requires the poisons for the purpose of that trade or business.

(3) No listed seller of Part II poisons shall sell any poison except in a closed container as closed by the manufacturer or other person from whom the poison was obtained.

Restriction of sale of strychnine.

13. It shall not be lawful to sell or supply strychnine except as an ingredient in a medicine.

Provided that this rule shall not apply to the sale of strychnine—

(*a*) by way of wholesale dealing; or

(*b*) to be exported to purchasers outside the United Kingdom; or

(*c*) for the purpose of being compounded in medicines prescribed or administered by a duly qualified medical practitioner or registered veterinary surgeon; or

(*d*) to a person or institution concerned with scientific education or research or chemical analysis, for the purposes of that education, research or analysis.

Supplementary Provisions with respect to Labelling and Containers.

Manner of labelling containers.

14. (1) Subject to the provisions of these rules, the particulars with which the container of a poison is required to be labelled under paragraph (*c*) of section 18 (1) of the Act and under these rules, shall appear in a conspicuous position on the container in which the poison is sold and on every box or other covering of whatever nature enclosing the container, and the particulars shall be clearly and distinctly set out and not in any way obscured or obliterated.

(2) Where the poison is contained in an ampoule, cachet, or similar article, it shall not be necessary to label the article itself, if every box or other covering in which the article is enclosed is duly labelled.

(3) Nothing in the said paragraph (*c*) or in these rules shall require the labelling of any transparent cover or any wrapper, hamper, packing case, crate or other covering used solely for the purposes of transport or delivery.

Labelling of name of poison.

15. (1) Subject as hereinafter provided, the name of a poison shall, for the purpose of provisions relating to labelling, be the term under which it is included in the Poisons List:

Provided that—

(*a*) where the said term describes a group of poisons and not the poison specifically, the name of the poison shall be—

(i) if the poison is the subject of a monograph in either the British Pharmacopoeia or the British Pharmaceutical Codex, one or other of the names or synonyms set out at the head of the monograph, and

(ii) in any other case, the accepted scientific name or name descriptive of the true nature and origin of the poison.

(2) Notwithstanding anything in the foregoing provision, if the poison consists of, or is contained in, any preparation in the British Pharmacopoeia, or the Formulary of the British Pharmaceutical Codex, or any dilution or admixture of such a preparation, the name of the poison may, for the purposes of this rule, be the name or synonym or abbreviated name used to describe the preparation in the British Pharmacopoeia or the Formulary of the British Pharmaceutical Codex, with the addition of the letters B.P., or B.P.C., as the case may be.

Labelling of particulars as to proportion of poison.

16. (1) The label of the container of a preparation which contains a poison as one of its ingredients shall include a statement of the proportion, whether stated as a percentage or not, which the poison bears to the total ingredients of the preparation, and where the proportion is stated as a percentage, the container shall be so labelled as to indicate whether the percentage is calculated on a basis of weight in weight, weight in volume, or volume in volume.

(2) In the case of a preparation in the British Pharmacopoeia or the Formulary of the British Pharmaceutical Codex which is named in accordance with subparagraph (2) of the last foregoing rule, it shall not be necessary to state on the label the proportion of poison contained in the preparation, and in the case of any dilution or admixture of such a preparation, it shall be sufficient to state the proportion which the preparation bears to the total ingredients of the dilution or admixture.

(3) Where the poison is in tablets, pills, cachets, capsules, lozenges or similar articles, or in ampoules, it shall be sufficient if the label of the box or other covering in which the articles are enclosed states the number of the articles and the amount of the poison, or in the case of such a preparation as is mentioned in the last foregoing paragraph, the amount of the preparation, contained in each article.

Indication of character of poison.

17. (1) In pursuance of paragraph (*c*) (iii) of section 18 (1) of the Act (which requires the containers of poisons to be labelled with the word "poison" or other prescribed indication of character), the container of any article specified in the Fifth Schedule to these rules, shall, instead of being labelled with the word "poison" be labelled with the words specified in the said Schedule as applicable to that article.

(2) The said words or the word "poison," as the case may be, shall not be modified in meaning by the addition of any other words or marks, and shall—

(*a*) in the case of a substance included in the First Schedule to these rules, either be in red lettering or be set against a red background; and

(*b*) in all cases, either be on a separate label or be surrounded by a line within which there shall be no other words except words with which the container of the poison is required to be labelled under the Act or these rules.

Special cautions in the case of certain articles.

18. (1) It shall not be lawful—

(*a*) to sell or supply any liquid poison, other than a medicine, in a bottle of a capacity of not more than 120 fluid ounces, unless the bottle is labelled with the words "Not to be taken.";

(*b*) to sell or supply any poison consisting of or contained in any embrocation, liniment, lotion, liquid antiseptic, liquid disinfectant, or other medicine for external application, unless the container is labelled with the name of the article and the words "Not to be taken internally.";

(*c*) to sell or supply any compressed hydrocyanic acid, unless the container is labelled with the words "Warning. This container holds poisonous gas and should only be opened and used by persons having expert knowledge of the precautions to be taken in its use.".

(2) This rule shall be in addition to the other requirements of the Act and of these rules with respect to labelling and shall apply to medicines and poisons dispensed or supplied in accordance with section 19 of the Act, but shall not apply with respect to the sale or supply of poisons to be exported to purchasers outside the United Kingdom.

Name of seller and address of premises.

19. (1) The provisions of paragraph (*c*) (iv) of section 18 (1) of the Act (which requires the container of a poison to be labelled with the name of the seller and the address of the premises on which it was sold) shall not apply in the case of an article sold for the purpose of being sold again in the same container.

(2) The requirements of the said paragraph shall be deemed to be satisfied, in the case of a poison supplied from a warehouse or depot, if the container of the poison is labelled with the address of the supplier's principal place of business or, in the case of a limited company, of the registered office of the company.

(3) Where any poison (other than a substance included in the First Schedule to these rules) is sold in a container and outer covering, being the container and covering in which it was obtained by the seller, it shall be sufficient if the name of the seller and the address of the premises on which it was sold appear only on the outer covering.

(4) Where the names of more than one person or more than one address appear on any label, there shall also be words on the label indicating clearly which person is the seller and at which of the addresses the poison was sold.

Form of containers.

20. (1) It shall not be lawful to sell, whether wholesale or retail, or supply any poison unless—

(*a*) it is contained in a container impervious to the poison and sufficiently stout to prevent leakage arising from the ordinary risks of handling and transport; and

(*b*) in the case of a liquid contained in a glass bottle of a capacity of not more than 120 fluid ounces, not being a liquid made up ready to be taken for the internal treatment of human ailments, the outer surface of the bottle is fluted vertically with ribs or grooves recognisable by touch.

(2) This rule shall apply to medicines and poisons dispensed or supplied in accordance with section 19 of the Act, but sub-paragraph (*b*) of the foregoing paragraph shall not apply to the sale or supply of poisons to be exported to purchasers outside the United Kingdom or the sale or supply of poisons to a person or institution concerned with scientific education or research for the purposes of that education or research.

Storage and Transport.

Storage of poisons.

21. (1) It shall not be lawful to store any poison except in a container impervious to the poison and sufficiently stout to prevent leakage from the container arising from the ordinary risks of handling and transport.

(2) It shall not be lawful to store any substance included in the First Schedule to these rules in any retail shop or premises used in connection therewith unless the substance is stored—

(*a*) in a cupboard or drawer reserved solely for the storage of poisons; or

(*b*) in a part of the premises which is partitioned off or otherwise separated from the remainder of the premises and to which customers are not permitted to have access; or

(*c*) on a shelf reserved solely for the storage of poisons and—

(i) no food is kept directly under the shelf, and

(ii) the container of the substance is rendered distinguishable by touch from the containers of articles and substances other than poisons stored upon the same premises:

Provided that, in the case of any such substance to be used in agriculture or horticulture, it shall not be lawful to store the substance on any shelf, or in any such part of the premises as aforesaid if food is kept in that part, or in any cupboard or drawer unless the cupboard or drawer is reserved solely for the storage of poisons to be used as aforesaid.

Transport of poisons.

22. It shall not be lawful to consign any poison for transport unless it is sufficiently stoutly packed to avoid leakage arising from the ordinary risks of handling and transport.

Special provisions with respect to the transport of certain poisons.

23. (1) It shall not be lawful to consign for transport by a carrier any substance or article, other than a medicine, consisting of or containing any poison included in the Sixth Schedule to these rules, unless the package containing the substance is labelled conspicuously with the name of the poison and a notice indicating that it is to be kept separate from foodstuffs and from empty containers in which foodstuffs have been contained.

(2) It shall not be lawful for any person knowingly to transport any such substance or article as aforesaid, either on his own behalf or for another person, in any vehicle in which food is being transported, unless the food is carried in a part of the vehicle effectively separated from that containing the article or substance, or is otherwise adequately protected from the risk of contamination.

Special provisions with respect to hospitals.

Supply of medicines to out-patients from certain hospitals, etc.

24. (1) The provisions of Part II of the Act and of these rules shall not apply with respect to—

(*a*) any medicine for the treatment of human ailments dispensed from a hospital, infirmary or dispensary maintained by any public authority, or out of public funds, or by charity, or from any institution approved by the Minister of Health for the purposes of section 24 (4) of the National Health Insurance Act, 1924;

(*b*) any medicine for the treatment of animals supplied from a veterinary hospital which is under the superintendence of a registered veterinary surgeon;

but the requirements contained in the following provisions of this rule shall be satisfied in relation thereto.

(2) The medicine shall only be supplied by, or on and in accordance with a prescription of a duly qualified medical practitioner for the purposes of medical treatment, or a registered dentist for the purposes of dental treatment, or a registered veterinary surgeon for the purposes of animal treatment.

(3) In a case where a substance included in the First Schedule is supplied, a record shall be kept on the premises in such a way that there can readily be traced at any time during a period of two years after the date on which the substance was supplied the following particulars:—

(*a*) the name and quantity of the poison supplied; and

(*b*) the date on which the poison was supplied; and

(*c*) the name and address of the person to whom the poison was supplied; and

(*d*) the name of the person who supplied the poison or who gave the prescription upon which it was supplied:

Provided that this paragraph shall not apply to a medicine supplied on and in accordance with a prescription given by a duly qualified medical practitioner under and in accordance with the Acts relating to national health insurance.

(4) The container of the medicine shall be labelled—

(*a*) with the name and address of the hospital, infirmary, dispensary or institution from which it was supplied;

(*b*) except in the case of a medicine made up ready for internal treatment, with the word "Poison.";

(*c*) in the case of a poison supplied from a veterinary hospital, with the words "For animal treatment only.".

Supply of medicines for use in hospitals, etc.

25. (1) This and the next following rule apply to any hospital, infirmary, dispensary, clinic, nursing home or other institution at which human ailments are treated (hereinafter referred to as "an institution").

(2) In any institution in which medicines are dispensed in a dispensing or pharmaceutical department in charge of a person appointed for that purpose, no medicine containing a poison shall be supplied from that department, except in cases of emergency, for use in the wards, operating theatres or other sections of the institution, except in accordance with the requirements contained in the following provisions of this rule.

(3) The medicines shall only be supplied upon a written order signed by a duly qualified medical practitioner, registered dentist, or by a sister or nurse in charge of a ward, theatre or other section of the institution.

(4) The container of the medicine shall be labelled—

(*a*) with words describing its contents;

(*b*) in the case of substances included in the First Schedule, with a distinguishing mark or other indication indicating that the poison is to be stored in a cupboard reserved solely for the storage of poisons.

Storage of poisons in institutions.

26. (1) The requirements contained in this rule shall apply to the storage of poisons in institutions.

(2) In any institution in which medicines are dispensed in a dispensing or pharmaceutical department in charge of a person appointed for the purpose, all poisons other than those issued for use within the institution shall be stored in that department.

(3) In any institution to which the foregoing paragraph does not apply all poisons other than those issued for use within the institution shall be stored—

(*a*) in charge of a person appointed for the purpose by the governing body or person in control of the institution; and

(*b*) in the case of poisons which are included in the First Schedule either in a cupboard or drawer, or on a shelf, reserved solely for the storage of poisons:

Provided that, where a poison is stored on a shelf, the container of the poison shall be rendered distinguishable by touch from the containers of articles other than poisons stored on the same premises.

(4) In every institution, every substance included in the First Schedule which is stored in the wards shall be stored in a cupboard reserved solely for the storage of poisons and poisonous substances.

(5) All places in which poisons are required by this rule to be stored shall be inspected at regular intervals of time not exceeding three months by a pharmacist or by some other person appointed for the purpose by the governing body or person in control of the institution.

Miscellaneous.

Manufacture of pharmaceutical preparations.

27. In all establishments in which pharmaceutical preparations containing any poison are manufactured for the purpose of the internal treatment of human ailments, the preparations shall be manufactured by, or under the supervision of—

(*a*) a registered pharmacist; or

(*b*) a fellow or associate of the Institute of Chemistry; or

(*c*) a duly qualified medical practitioner; or

(*d*) a person who, for a continuous period of at least three years before the date on which these rules come into operation, was continuously engaged in the manufacture of pharmaceutical preparations containing poisons and prepared for the internal treatment of human ailments, and has furnished to the registrar of the Pharmaceutical Society a statement in writing, verified by a statutory declaration, to that effect.

Addition of dye to certain poisons used in agriculture and horticulture.

28. It shall not be lawful to sell any substance or article consisting of or containing any arsenical poison, salts of barium, cyanides or salts of thallium, and intended to be used for the destruction of bacteria, fungi, insects, vermin, or as weed killers, unless a dye of a distinctive colour and soluble in water has been added thereto :

Provided that this rule shall not apply to—

(*a*) sheep dips which are already of a distinctive colour or any poisons which are of themselves already of a distinctive colour ; or

(*b*) articles or substances to be exported to purchasers outside the United Kingdom.

Lists kept by local authorities.

29. (1) Every application made to a local authority for the entry of a name on the list kept by the authority in pursuance of section 21 (1) of the Act, being a list of persons entitled, subject to the provisions of the Act and of these rules, to sell poisons included in Part II of the Poisons List, shall be made in the form set out in the Seventh Schedule to these rules.

(2) The said list shall be kept in the form set out in the Eighth Schedule to these rules.

Certificates of persons to whom poisons may be sold.

30. (1) A certificate given for the purposes of paragraph (*a*) of section 18 (2) of the Act, being a certificate certifying a person to be a person to whom a poison may properly be sold, shall be in the form, and shall contain the particulars, set out in the Ninth Schedule to these rules.

(2) All householders are hereby authorised to give such certificates as aforesaid :

Provided that a certificate given by a householder who is not known to the seller of the poison to be a responsible person of good character shall not be a sufficient certificate for the purposes of the said paragraph unless it is endorsed in the manner specified in the said Ninth Schedule by a police officer in charge of a police station.

(3) On any sale of a poison upon such a certificate as aforesaid, the certificate shall be retained by the seller.

Form of record of sales.

31. The particulars of sales of poisons which are required by paragraph (*b*) of section 18 (2) of the Act to be entered in a book shall be entered in the form set out in the Tenth Schedule to these rules.

Preservation of records.

32. All books kept for the purposes of Part II of the Act shall be preserved on the premises on which the sales recorded therein were made for a period of two years from the date on which the last entry was made therein.

SCHEDULES.

FIRST SCHEDULE.

Substances falling within the Poisons List to which special restrictions apply.

Alkaloids, the following ; their salts, simple or complex :—

Acetyldihydrocodeinone ;
Aconite, alkaloids of, except substances containing less than 0·02 per cent. of the alkaloids of aconite
Apomorphine except substances containing less than 0·2 per cent. of apomorphine
Atropine except substances containing less than 0·15 per cent. of atropine
Belladonna, alkaloids of, except substances containing less than 0·15 per cent. of the alkaloids of belladonna calculated as hyoscyamine
Benzoylmorphine
Benzylmorphine

FIRST SCHEDULE—*continued.*

Brucine except substances containing less than 0·2 per cent. of brucine
Calabar bean, alkaloids of
Coca, alkaloids of, except substances containing less than 0·1 per cent. of the alkaloids of coca
Cocaine except substances containing less than 0·1 per cent. of cocaine
Codeine except substances containing less than one per cent. of codeine
Colchicine except substances containing less than 0·5 per cent. of colchicine
Coniine except substances containing less than 0·1 per cent. of coniine
Cotarnine except substances containing less than 0·2 per cent. of cotarnine
Curarine
Diacetylmorphine
Dihydrocodeinone
Dihydrohydroxycodeinone
Dihydromorphine
Dihydromorphinone
Ecgonine except substances containing less than 0·1 per cent. of ecgonine
Emetine except substances containing less than one per cent. of emetine
Ergot, alkaloids of
Ethylmorphine except substances containing less than 0·2 per cent. of ethylmorphine
Gelsemium, alkaloids of, except substances containing less than 0·1 per cent. of the alkaloids of gelsemium
Homatropine except substances containing less than 0·15 per cent. of homatropine
Hyoscine except substances containing less than 0·15 per cent. of hyoscine
Hyoscyamine except substances containing less than 0·15 per cent. of hyoscyamine
Jaborandi, alkaloids of, except substances containing less than 0·5 per cent. of the alkaloids of jaborandi
Lobelia, alkaloids of
Morphine except substances containing less than 0·2 per cent. of morphine calculated as anhydrous morphine
Nicotine
Papaverine except substances containing less than one per cent. of papaverine
Pomegranate, alkaloids of, except substances containing less than 0·5 per cent. of the alkaloids of pomegranate
Quebracho, alkaloids of
Sabadilla, alkaloids of, except substances containing less than one per cent. of the alkaloids of sabadilla
Solanaceous alkaloids, not otherwise included in this Schedule, except substances containing less than 0·15 per cent. of solanaceous alkaloids calculated as hyoscyamine
Stavesacre, alkaloids of, except substances containing less than 0·2 per cent. of the alkaloids of stavesacre
Strychnine except substances containing less than 0·2 per cent. of strychnine
Thebaine except substances containing less than one per cent. of thebaine
Veratrum, alkaloids of, except substances containing less than one per cent. of the alkaloids of veratrum
Yohimba, alkaloids of

Allylisopropylacetylurea
Amino-alcohols, esterified with benzoic acid, phenylacetic acid, phenylpropionic acid, cinnamic acid or the derivatives of these acids, except in substances containing less than ten per cent. of esterified amino-alcohols
Antimonial poisons except substances containing less than the equivalent of one per cent. of antimony trioxide
Arsenical poisons except substances containing less arsenical poison than the equivalent of 0·01 per cent. of arsenic trioxide

FIRST SCHEDULE—*continued.*

Barbituric acid; its salts; derivatives of barbituric acid; their salts; compounds of barbituric acid, its salts, its derivatives, their salts, with any other substance

Barium, salts of

Cannabis; the resin of cannabis; extracts of cannabis; tinctures of cannabis; cannabin tannate

Cantharidin except substances containing less than 0·01 per cent. of cantharidin

Cantharidates except substances containing less than the equivalent of 0·01 per cent. of cantharidin

Digitalis, glycosides of, except substances containing less than one unit of activity (as defined in the British Pharmacopoeia) in two grammes of the substance

Dinitrocresols; dinitronaphthols; dinitrophenols; dinitrothymols

Ergot; extracts of ergot; tinctures of ergot

Guanidines, the following:—polymethylene diguanidines, dipara-anisylphenetyl guanidine

Hydrocyanic acid except substances containing less than 0·1 per cent. of hydrocyanic acid (HCN); cyanides except substances containing less than the equivalent of 0·1 per cent., weight in weight, of hydrocyanic acid (HCN); double cyanides of mercury and zinc

Lead acetates; compounds of lead with acids from fixed oils

Mercuric chloride except substances containing less than one per cent. of mercuric chloride; nitrates of mercury except substances containing less than the equivalent of three per cent., weight in weight, of mercury (Hg); potassio-mercuric iodides except substances containing less than the equivalent of one per cent. of mercuric iodide; organic compounds of mercury except substances containing less than the equivalent of 0·2 per cent. weight in weight, of mercury (Hg)

Nitrophenols

Nux Vomica except substances containing less than 0·2 per cent. of strychnine

Opium except substances containing less than 0·2 per cent. of morphine calculated as anhydrous morphine

Ouabain

Oxycinchoninic acid, derivatives of; their salts; their esters

Phenetidylphenacetin

Phenylcinchoninic acid; its salts; its esters

Phenylethylhydantoin; its salts; its acyl derivatives; their salts

Picrotoxin

Savin, oil of

Strophanthus, glycosides of

Thallium, salts of

Tribromethyl alcohol

SECOND SCHEDULE.

Articles exempted by Rule 10 *from the provisions of the Act and Rules.*

PART I.

GENERAL EXEMPTIONS.

Adhesives; anti-fouling compositions; builders' materials; ceramics; distempers; electrical valves; enamels; explosives; fillers; fireworks; glazes; glue; lacquer solvents; loading materials; marking inks; matches; motor fuels and lubricants; paints other than pharmaceutical paints; photographic paper; pigments; plastics; propellants; polishes; rubber; varnishes.

SECOND SCHEDULE—*continued.*

PART II.

SPECIAL EXEMPTIONS.

Poison.	*Substance or article in which exempted.*
Acetanilide; alkyl acetanilides	Substances not being preparations for the treatment of human ailments
Acetic acid	Substances containing less than ninety-nine per cent., weight in weight, of acetic acid (CH_3COOH)
Alkaloids	
Emetine	Substances containing less than 0·05 per cent. of emetine
Ephedra, alkaloids of	Substances containing less than one per cent. of the alkaloids of ephedra
Jaborandi, alkaloids of	Substances containing less than 0·025 per cent. of the alkaloids of jaborandi
Lobelia, alkaloids of	Substances containing less than 0·1 per cent. of the alkaloids of lobelia
Nicotine	Tobacco
Pomegranate, alkaloids of	Pomegranate bark
Stavesacre	Soaps; ointments
Ammonia, solutions of	Liquids containing less than five per cent., weight in weight, of ammonia (NH_3); refrigerators; smelling bottles
Carbon tetrachloride	Substances not being preparations for the treatment of human or animal ailments
Chenopodium, oil of	Substances containing less than two per cent. of oil of chenopodium
Chloroform	Substances containing less than six per cent. of chloroform
Creosote obtained from wood	Substances containing less than fifty per cent. of creosote obtained from wood
Formaldehyde	Substances containing less than five per cent., weight in weight, of formaldehyde (H.CHO); photographic glazing or hardening solutions
Gold, salts of	Photographic toning or fixing solutions
Hydrochloric acid	Substances containing less than nine per cent., weight in weight, of hydrochloric acid (HCl)
Lead acetate	Substances containing less than four per cent. of lead acetate
Lead, compounds of	Machine spread plasters
Mercuric chloride	Batteries
Mercuric chloride; mercuric iodide; organic compounds of mercury	Dressings on seeds or bulbs
Mercury, nitrates of	Ointments containing less than the equivalent of three per cent., weight in weight, of mercury (Hg)
Nitric acid	Substances containing less than nine per cent., weight in weight, of nitric acid (HNO_3)
Nitrobenzene	Substances containing less than 0·1 per cent. of nitrobenzene

SECOND SCHEDULE—*continued.*

Poison.	*Substance or article in which exempted.*
Phenols	Carvacrol; coal tar, crude or refined; creosote obtained from coal tar; essential oils in which phenols occur naturally; medicines containing less than one per cent. of phenols; nasal sprays, mouthwashes, pastilles, lozenges, capsules, pessaries, ointments, or suppositories containing less than 2·5 per cent. of phenols; smelling bottles; soaps for washing; tooth powders; tooth pastes; disinfecting powders containing less than twenty-five per cent. of phenols tertiary butyl-cresol; thymol
Picric acid	Substances containing less than five per cent. of picric acid
Potassium hydroxide	Substances containing less than four per cent. of potassium hydroxide
Sodium fluoride	Substances containing less than three per cent. of sodium fluoride as a preservative
Sodium hydroxide	Substances containing less than four per cent. of sodium hydroxide
Sodium silicofluoride	Substances containing less than three per cent. of sodium silicofluoride as a preservative
Sulphuric acid	Substances containing less than nine per cent., weight in weight, of sulphuric acid (H_2SO_4); accumulators; batteries; fire extinguishers.

THIRD SCHEDULE.

Substances required by Rule 11 *to be sold by retail only upon a prescription given by a qualified medical practitioner, registered dentist or registered veterinary surgeon.*

Barbituric acid; its salts; derivatives of barbituric acid; their salts; compounds of barbituric acid, its salts, its derivatives, their salts, with any other substance
Dinitrocresols; dinitronaphthols; dinitrophenols; dinitrothymols
Phenylcinchoninic acid; its salts; its esters
Sulphonal; alkyl sulphonals

FOURTH SCHEDULE.

Form to which the substances specified are restricted when sold by listed sellers of poisons (*Rule* 12 (2) (*a*)).

Poison.	*Form to which sale is restricted.*
Arsenical substances—	
Arsenious oxide	Sheep dips, sheep washes
Arsenic sulphides	,, ,,
Calcium arsenates	Agricultural and horticultural insecticides or fungicides
Calcium arsenites	,, ,, ,, ,,
Copper acetoarsenite	,, ,, ,, ,,
Copper arsenates	,, ,, ,, ,,
Copper arsenites	,, ,, ,, ,,
Lead arsenates	,, ,, ,, ,,

FOURTH SCHEDULE—*continued.*

Poison.	*Form to which sale is restricted.*
Arsenical substances—*continued.*	
Sodium arsenates	Sheep dips, sheep washes
Sodium arsenites	,, ,,
Sodium thioarsenates	,, ,,
Barium carbonate	Preparations for the destruction of rats and mice
Mercurial substances—	
Mercuric chloride	Agricultural and horticultural fungicides, seed and bulb dressings, insecticides
Mercuric iodide	Agricultural and horticultural fungicides, seed and bulb dressings
Organic compounds of mercury	,, ,, ,, ,,
Nitrobenzene	Substances for the treatment of bee disease

FIFTH SCHEDULE.

Indication of character prescribed by Rule 17 *for the purposes of section* 18 (1) (c) (iii) *of the Act.*

1. To be labelled with the words "*Caution. It is dangerous to take this preparation except under medical supervision.*" :—

Medicines made up ready for the internal treatment of human ailments and consisting of or containing any of the following poisons :—

Allylisopropylacetylurea
Amidopyrine
Insulin
Phenylethylhydantoin ; its salts ; its acyl derivatives ; their salts
Pituitary gland, the active principles of
Thyroid gland, the active principles of ; their salts

2. To be labelled with the words "*Caution. It is dangerous to exceed the stated dose.*" :—

Medicines made up ready for the internal treatment of human ailments which neither consist of substances in the First Schedule nor consist of or contain any poison included in paragraph 1 of this Schedule.

3. To be labelled with the words "*Poison. For animal treatment only.*" :—

Medicines consisting of or containing any poison made up ready for the treatment of animals.

4. To be labelled with the words "*Caution. This preparation may cause inflammation of the skin in certain persons and should be used only in accordance with expert advice.*" :—

Hair dyes consisting of or containing phenylene diamines or toluene diamines or their salts.

5. To be labelled with the words "*Caution. This substance is caustic.*" :—

Articles containing potassium hydroxide or sodium hydroxide.

SIXTH SCHEDULE.

Substances to which Rule 23 (*Transport*) *applies.*

Arsenical poisons
Barium, salts of
Hydrocyanic acid ; cyanides
Nicotine
Strychnine
Thallium, salts of

SEVENTH SCHEDULE.

Form of application to be made to the local authority by a person desiring his name to be entered in the list kept by local authorities in pursuance of section 21 of the Act.

PHARMACY AND POISONS ACT, 1933.

*Form of application by a person to have his name entered in a local authority's list of persons entitled to sell poisons included in Part II of the Poisons List.**

To the { Town Clerk / Clerk of the County Council } of .....

I, ...

being engaged in the business of.....
hereby apply to have my name entered in the List kept in pursuance of section 21

of the above Act in respect of the following premises, namely,.....

.....

.....
as a person entitled to sell from those premises poisons included in Part II of the Poisons List.

I hereby nominate.....

.....
to act as my deputy (deputies) for the sale of poisons in accordance with Rule 12(1) of the Poisons Rules.

Signature of applicant.....

Date.....

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* NOTE.—*The entry of a person's name on the list does not entitle that person to retail poisons in Part I of the Poisons List which, by the provisions of the Act may only be retailed by authorised sellers of poisons (i.e. registered pharmacists). The poisons in Part II of the Poisons List which may be sold by a person whose name is entered on the local authority's list are :—ammonia, solutions of; arsenic sulphides; arsenious oxide; calcium arsenates; calcium arsenites; copper acetoarsenites; copper arsenates; copper arsenites; lead arsenates; sodium arsenates; sodium arsenites; sodium thioarsenates; barium carbonate; barium silicofluoride; formaldehyde; hydrofluoric acid; potassium fluoride; sodium fluoride; sodium silicofluoride; mercuric chloride; mercuric iodide; organic compounds of mercury; nicotine; its salts; nitrobenzene; phenols in substances other than lysol or dilutions of lysol containing less than sixty per cent., weight in weight, of phenols; compounds of phenol with a metal in substances containing less than the equivalent of sixty per cent., weight in weight, of phenols; potassium hydroxide; sodium hydroxide; sulphuric acid.*

The provisions set out on the back of this form should be read carefully.
(Rules 12 and 21 and Fourth Schedule are to be set out on the back of the form.)

EIGHTH SCHEDULE.

Form of the list to be kept by local authorities in pursuance of subsection (1) of section 21 of the Act.

PHARMACY AND POISONS ACT, 1933.

List of persons entitled to sell Poisons in Part II of the Poisons List.

Full Name.	Address of Premises.	Description of business carried on at the premises.	Name of deputy (or deputies) permitted to sell.

NINTH SCHEDULE.

Certificate for the purchase of a Poison.

For the purposes of subsection (2) (*a*) (i) of section 18 of the Pharmacy and Poisons Act, 1933, I, the undersigned, a householder occupying (*a*).....
hereby certify from my knowledge of (*b*).....
..... of (*a*).....
.....that he is a person to whom
(*c*).....may properly be supplied.

I further certify that (*d*).....is the signature of the said (*b*).....

.....
Signature of householder giving certificate.

Date.....

(*a*) Insert full postal address.
(*b*) Insert full name of intending purchaser.
(*c*) Insert name of poison.
(*d*) Intending purchaser to sign his name here.

Endorsement required by Rule 30 of the Poisons Rules to be made by a police officer in charge of a police station, when, but only when, the householder giving the certificate is not known to the seller of the poison to be a responsible person of good character.

I hereby certify that in so far as is known to the police of the district in which*..... resides he is a responsible person of good character.

Signature of Police Officer.....

Rank.....

In charge of Police Station at.....

Office Stamp of Police Station.

Date.....

* Insert full name of householder giving the certificate.

TENTH SCHEDULE.

Form of entry required by Rule 31 *to be made in the book to be kept by sellers of poisons in accordance with section* 18 (2) (*b*) *of the Act.*

Date of sale.	Name and quantity of poison supplied.	Purchaser's			Purpose for which stated to be required.	Date of certificate (if any).	Name and address of person giving certificate (if any).	Signature of purchaser or, where a signed order is permitted by the Poisons Rules, the date of the signed order.
		Name.	Address.	Business, trade or occupation.				

APPENDIX III.

LIST OF TRADE AND OTHER ORGANIZATIONS REFERRED TO IN PARAGRAPH 4 OF REPORT.

Agricultural Machinery Dealers' Association

Agricultural Seed Trade Association of the United Kingdom

Animal Medicine Makers' and Allied Traders' Association

Association of British Chemical Manufacturers

Association of British Insecticide Manufacturers

Association of Councils of Counties of Cities in Scotland

Association of County Councils in Scotland

Association of Manufacturers of Preparations for Pest Destruction

Association of Municipal Corporations

Association of Tar Distillers

Association of Wholesale Druggists and Manufacturers of Medicinal Preparations.

Blackface Sheep Breeders' Association

British Association of Chemists

British Chemical and Dyestuffs Traders' Association Ltd.

British Disinfectant Manufacturers' Association

British Medical Association

British Road Federation, Ltd.

Company Chemists' Association Ltd.

Convention of Royal Burghs

County Councils' Association

Drawing Office Material Manufacturers' and Dealers' Association

Federation of Grocers' Associations of the United Kingdom

Fire Extinguisher Trades Association

Guild of Public Pharmacists

Hairdressers' Parliamentary Committee

Hardware Factors' Federation

Highland and Agricultural Society of Scotland

Horticultural Trades Association

Incorporated Society of Pharmacy & Drug Store Proprietors of Great Britain, Ltd.

Institute of Chemistry of Great Britain and Ireland

Ironmongers' Federated Association

London Chamber of Commerce

Metropolitan Boroughs' Standing Joint Committee

Motor Legislation Committee

National Allotments Society, Ltd. .

National Association of Corn and Agricultural Merchants

National Association of Medical Herbalists of Great Britain, Ltd.

National Farmers' Union

National Farmers' Union of Scotland

National Federation of Associated Paint, Colour & Varnish Manufacturers of the United Kingdom

National Federation of Hairdressers, Ltd.

APPENDIX III—*continued.*

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National Union of Manufacturers
National Veterinary Medical Association of Great Britain & Ireland
Parliamentary Committee of the Co-operative Congress
Pharmaceutical Society of Great Britain
Proprietary Association of Great Britain
Railway Clearing House
Royal Caledonian Horticultural Society
Royal College of Veterinary Surgeons
Royal Horticultural Society
Scottish Chamber of Agriculture
Scottish Federation of Grocers' and Provision Merchants' Associations
Scottish Pharmaceutical Federation
Scottish Seed and Nursery Trade Association
Scottish Wool Association
Wholesale Drug Trade Association

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in regard to the Poisons List and Draft Poisons Rules prepared in accordance with the Pharmacy and Poisons Act, 1933

Presented by the Secretary of State for the Home Department to Parliament by Command of His Majesty
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